

CHAPTER 1: TODAY'S PROFESSIONAL PARALEGAL

ANSWER KEY

MULTIPLE CHOICE

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|-------|-------|--------|
| 1. C | 35. D | 69. C |
| 2. C | 36. C | 70. C |
| 3. A | 37. C | 71. A |
| 4. D | 38. D | 72. A |
| 5. C | 39. A | 73. C |
| 6. D | 40. A | 74. B |
| 7. A | 41. A | 75. D |
| 8. B | 42. B | 76. D |
| 9. A | 43. C | 77. D |
| 10. B | 44. E | 78. D |
| 11. C | 45. B | 79. A |
| 12. D | 46. B | 80. A |
| 13. E | 47. A | 81. D |
| 14. E | 48. B | 82. E |
| 15. C | 49. C | 83. D |
| 16. C | 50. A | 84. C |
| 17. D | 51. D | 85. A |
| 18. E | 52. B | 86. C |
| 19. E | 53. A | 87. A |
| 20. E | 54. C | 88. C |
| 21. E | 55. D | 89. C |
| 22. C | 56. C | 90. D |
| 23. A | 57. A | 91. D |
| 24. D | 58. B | 92. D |
| 25. A | 59. B | 93. A |
| 26. C | 60. D | 94. B |
| 27. A | 61. C | 95. B |
| 28. B | 62. C | 96. D |
| 29. C | 63. C | 97. C |
| 30. B | 64. E | 98. C |
| 31. A | 65. C | 99. A |
| 32. D | 66. A | 100. D |
| 33. A | 67. A | |
| 34. B | 68. C | |

SHORT ANSWER

101. Over time, law firms have been giving more and more responsibilities to paralegals. Attorneys realized that using paralegals was cost-effective and benefited both the client and the firm. The opportunities for paralegals who want to work outside of law firms (in corporations or government agencies, for example) are also expanding. As the profession has grown, the average paralegal salary has increased. According to one survey, in 2009, paralegals earned average compensation of \$54,859.

102. The key elements of the ABA and NALA definitions of a legal assistant or paralegal include:
- That a legal assistant or paralegal may be *qualified by education, training, or work experience*—that is, persons can acquire through work experience, as well as education, the knowledge and skills necessary to perform paralegal tasks.
 - That a legal assistant or paralegal can be employed in a variety of settings—by a single lawyer, a law office, a corporation, a governmental agency, or other entity.
 - That a legal assistant or paralegal performs work *for which a lawyer is responsible*—that is, only a lawyer can give legal advice, and the lawyer must adequately supervise the work of paralegals.
103. Paralegals may perform the following tasks:
- Interviewing clients and witnesses—to gather relevant facts and information about a lawsuit, for example
 - Calendaring and tracking important deadlines—such as the dates when certain documents must be filed with the court
 - Conducting legal research—to identify, analyze, and summarize the appropriate laws, court decisions, or regulations that apply to a client's case
 - Drafting legal documents—such as legal correspondence, documents to be filed with the courts, and interoffice memoranda
- Other tasks that paralegals may perform include conducting legal investigations, organizing and maintaining client files, and coordinating legal proceedings.
104. Many legal assistants have become the technology experts at law firms. Because lawyers are busy with the practice of law, paralegals are often in the best position to know the firm's needs. Increasingly, paralegals take a leading role in reviewing and recommending new specialized legal software programs and online databases. Computer skills and technical knowledge are highly valued. Paralegals use software packages for internal case management to organize client files, manage calendars, share research, record reference materials, and track the number of hours to be billed to clients. Attorneys and paralegals use time-and-billing software to manage expenses, generate bills, calculate accounts receivable, and produce financial reports. Legal databases available on the Internet or on CD-ROMs allow paralegals to perform sophisticated legal research at their desks. When cases that involve many documents must be prepared for trial, litigation support software can help retrieve, categorize, and index the various materials for presentation.
105. The AAFPE was formed in 1981 to promote high standards for paralegal education. Although most states do not require paralegals to meet minimum educational standards, many employers either require or prefer job candidates who have a certain level of education. The ABA sets educational standards for paralegal programs. Programs do not have to seek ABA approval; it is voluntary. ABA approval provides extra credibility to those schools that attain it. Programs that meet the ABA standards are referred to as ABA-approved programs. The ABA has approved approximately 250 programs in the United States.
106. The degrees and certificates available to paralegals include the following:
- Associate's degree—A two-year degree in paralegal studies; this type of degree is normally granted by community colleges.
 - Bachelor's degree—A four-year degree; this type of degree is usually offered by colleges or universities.
 - Paralegal certificate—A certificate awarded to a candidate with a high school diploma or its equivalent; this type of certificate is usually provided by private institutions.

- Postgraduate certificate—A certificate available to candidates who have already obtained a bachelor's degree.
 - Master's degree—Usually a two-year degree, available to candidates who already have obtained a bachelor's degree; this type of degree is offered by several universities.
107. Substantive law includes all laws that define, describe, regulate, and create legal rights and obligations. For example, a law prohibiting employment discrimination on the basis of age falls into the category of substantive law. Procedural law establishes the methods of enforcing the rights established by substantive law. Questions about what documents need to be filed to begin a lawsuit, when the documents should be filed, which court will hear the case, which witnesses will be called, and the like are all procedural law questions. In brief, substantive law defines our legal rights and obligations; procedural law specifies what methods, or procedures, must be employed to enforce those rights and obligations. A legal assistant studies both substantive law and procedural law.
108. Certification refers to formal recognition by a professional group or state agency that a person has met certain standards of ability specified by that group. Generally, this means passing an examination given by the organization and meeting certain requirements with respect to education and/or experience. NALA, the NFPA, the National Association of Legal Secretaries (NALS), the American Alliance of Paralegals, Inc. (AAPI), and some states offer paralegal certification programs.
109. Some of the attributes of paralegal professionalism include the following:
- Responsibility and reliability
 - Objectivity (putting aside personal biases or emotions that may interfere with a paralegal's representation of a client)
 - Honesty and clarity about what paralegals can and cannot do (e.g., paralegals cannot give legal advice)
 - Ability to work calmly, quickly, and courteously under pressure
 - Completion of detail-oriented and accurate work, even when working under pressure
110. Some paralegal organizations require their members to complete a certain number of CLE hours per year as a condition of membership. Both NALA and the NFPA require paralegals who are certified to take CLE courses every year in order to maintain their certification status. The NFPA requires certified paralegals to complete twelve hours of continuing education every two years. California requires a minimum number of CLE hours from all persons who work as paralegals. Additionally, many employers encourage their paralegals to take CLE courses and often pay some or all of the costs involved.
111. Paralegals may not give legal advice. Although paralegals often gain a great deal of knowledge in specific areas of the law, only attorneys may give legal advice. Paralegals who give legal advice risk penalties for the unauthorized practice of law (UPL), which is prohibited by the NFPA and NALA codes of ethics (and other legal sources). Whatever legal advice is given to the client either must come directly from the attorney or, if from a paralegal, must reflect exactly (or nearly exactly) what the attorney said with no modification on the paralegal's part and must be communicated to the client as directed by the attorney.

112. The specific tasks that paralegals perform vary dramatically depending on the size of the office, the kind of law that the firm practices, and the amount of experience or expertise the paralegal has. A paralegal who works in a one-attorney office, for example, may also perform certain secretarial functions. Other tasks might range from conducting legal research and investigating the facts to photocopying documents, keying data into the computer, and answering the telephone while the secretary is out to lunch. A paralegal who works in a larger law firm usually has more support staff (secretaries, file clerks, and others) to whom the paralegal can delegate tasks. The work may also be more specialized, with a focus on only certain types of cases. A paralegal working in a law firm's real estate department, for example, may deal only with legal matters relating to that area of law.
113. Paralegals often work on many cases at once. To be responsive to job requirements and to meet the needs of clients, paralegals should set aside a little time each day to review the demands on their time. They should think about what must be done that day as well as what must be completed over time to meet deadlines. They should make a list of what they need to accomplish; the list might be built into their calendaring software. Each morning, they should reevaluate what they got done the day before. If work was not completed, they should think about why. When working on multiple cases, it is critical to understand what must be accomplished on each case so that one deadline does not "sneak up" while the paralegal is paying attention to another.
114. To proofread legal documents, a paralegal:
- Should not assume that one proofreading will be sufficient to catch all problems or errors that the document may contain.
 - Should read through the document again to make sure that the style and formatting elements are consistent throughout.
 - Should print out the document, and go through the contents line by line to make sure that all required or relevant information is included.
 - Should read through the document again, word for word, to ensure that it is free of grammatical errors, misspelled words, and typos.
115. To prepare for and conduct a client interview, a paralegal should:
- Plan the interview in advance.
 - Print out forms and checklists to use during the interview.
 - Introduce himself or herself as a paralegal or legal assistant.
 - Explain the purpose of the interview to the client.
 - Communicate questions precisely.
 - Listen carefully and be supportive, as necessary.
 - Summarize the client's major concerns.
 - Give the client a "time line" for what will happen next in the legal proceedings.