

ROLES OF PARALEGALS AND ASSOCIATE ATTORNEYS

By: Patricia C. DeRamus, ACP, FRP

A “paralegal” means a person who either contracts with or is employed by an attorney, law firm, corporation, governmental agency, or other entity and who performs substantial legal work under the direction and supervision of an active member of a State Bar or an attorney practicing law in the federal courts, that has been specifically delegated by the attorney to him or her. Paralegals have different levels of education and may have Certification through the National Association of Legal Assistants, a Bachelor Degree and/or Masters Degree. Tasks performed by a paralegal include, but are not limited to, case planning, development, and management; legal research; interviewing clients; fact gathering and retrieving information; drafting and analyzing legal documents; collecting, compiling, and utilizing technical information to make an independent decision and recommendation to the supervising attorney; and representing clients before a state or federal administrative agency if that representation is permitted by statute, court rule, or administrative rule or regulation. All paralegals must comply with the applicable legal authority governing the unauthorized practice of law in the jurisdiction in which the paralegal practices and prohibitions include:

- May not give legal advice;
- May not set, negotiate or accept legal fees;
- May not sign legal documents; and
- May not represent in court or before a tribunal unless permitted by statute, regulation or court rule.

An associate entering practice today expects to work with paralegals, just as senior attorneys had expected to work with legal secretaries. Paralegals are intelligent, motivated individuals and need your help to give the firm or department better service and higher-quality work product. Their job success is up to them, that career development is solely their responsibility. To help navigate the road:

1. As an associate it is your responsibility to see that your client receives the highest-quality service possible. To make that happen, it is necessary to see that all parts of the delivery system are in top shape and working order. In order to achieve results, training is required.
2. Training is a two-tier approach: Paralegals need skill training and associated attorneys may need training on how to train or what to delegate. Both paralegals and associate attorneys have an idea of what skill training is necessary. The problem may be that each of them may have differing opinions as to level and scope. For example, associate attorney may feel that the paralegal needs to improve writing skill as it pertains to business correspondence; the paralegal may not realize the associate attorney is referring to polishing and concentrates instead on drafting.

Communications must be open, friendly, and direct. Associate attorneys are, after all the employer, and whether we want to acknowledge it, along with hierarchies come perceived boundaries. Paralegals are not mind readers, and they cannot imitate what they haven't already experienced.

3. Be cognizant of the wide range of expertise paralegals bring into the field. Just because they may have only a few years of legal experience does not dismiss the value they may bring as highly trained experts in business, industry, science or the arts. Use these wide experiences in the various practice areas.
4. When communicating instructions, bear in mind generational differences. Baby Boomers and Generation X have met head-on in the workplace. They are significantly different in how they hear, interpret, and process information.
5. Ask paralegals about other skill areas. Listen to what the paralegals tell you about the cost benefits of intertwining these areas with your practice. Find out where they need training. While costs are certainly an issue in this downsized, information technoliterate workplace, there are several suggestions for cost-efficient training.

A paralegal knows the various ways to file a law suit in Florida depending upon the venue of law. Paralegal work requires compliance with certain tax laws, business laws and municipal, state and/or federal regulations.

Paralegals can do any of the following:

- **Prepare Civil Cover Sheets, Summons and Complaint and file with Florida Courts consistent with Court Rules and know time computations;**
- **File documents with the Secretary of State;**
- **Prepare amended complaints;**
- **Prepare an “Affidavit of Diligent Search”;**
- **Procedures for Process of Service in Florida;**
- **Method of Substitute Service on a non-resident;**
- **Prepare standard subpoena and subpoena duces tecum;**
- **Prepare “Notice of Production from Non-Party” and know the process for doing same;**
- **Prepare “Notice of Deposition” of a witness when a lawsuit is pending in Florida or another state;**
- **Know investigation sources to conduct background checks and/or how to seek public information;and**
- **Know the filing fees in Florida.**

Effective training will cut the learning curve, decrease write-offs, bring up billing rates, and cause more dollars to drop to the bottom line.

If you have any questions, please ask the paralegals. They know how and where to find the answers.

G:Pat/Role of A Paralegal (09/2021)