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Chapter Two: The Paralegal Profession

1. All U.S. jurisdictions have adopted the same definition of the term "paralegal.'

a. True
*b. False

2. The term "paralegal" is synonymous with the term "legal assistant."

*a. True
b. False

3. The American Bar Association promotes and supports the paralegal profession.

*a. True
b. False

4. The American Bar Association provides formal accreditation to paralegal schools.

a. True
*b. False

5. To become a paralegal, one must have a bachelor's degree.

a. True
*b. False

6. There are no formal requirements that must be met before one may call oneself "paralegal."

*a. True
b. False

7. California requires its paralegals to obtain a certain amount of continuing legal education.

*a. True
b. False

8. Most paralegals work in law firms.

*a. True
b. False

9. Paralegals may engage in any activity that attorneys may.

a. True
*b. False

10. Paralegals are generally entitled to overtime compensation.

*a. True

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b. False

11. Once a paralegal program receives ABA approval, that approval is granted permanently and the program will no longer need to be evaluated.

a. True
*b. False

12. All paralegal programs in the United States must obtain ABA approval.
a. True
*b. False

13. There are a variety of methods in the United States by which paralegals are Regulated; generally, licensing is the most restrictive form of regulation.

*a. True
b. False

Type: E
14. How does using a paralegal for certain tasks such as drafting documents and correspondence benefit clients?

a. The hourly billing rate for paralegals is lower than that of attorneys. Thus, having a paralegal perform various tasks for clients produces cost savings to clients.

Type: E
15. Briefly describe what it means to say that a school offers a paralegal "certificate."

a. A school or program offering a certificate provide a written document verifying that the paralegal has taken various law-related courses. No degree is awarded.

Type: E
16. Jen has worked as a paralegal for ten years. She is interested in advancing her career and is particularly interested in management. What benefit might a Master's degree in Legal Studies afford her?

a. Armed with a Master's degree, Jen should be able to become a paralegal manager or manager of a law firm or office. A program offering a Master's degree in Legal Studies would provide Jen with the education she needs to manage either other paralegals, a firm, or a department within a firm.

Type: E
17. Generally, describe the process for a paralegal program to obtain ABA approval.

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a. Programs that apply for ABA approval must describe their program administration, curriculum, staff, and other program elements. The ABA will make an on-site visit to meet students, faculty, and staff and review various records. Once approval is granted, the school must re-evaluated on a periodic basis.

Type: E

18. Why might a potential employer desire to hire a candidate who attended an ABA-approved paralegal program?

a. Attorneys are familiar with the ABA, and many attorneys know that the ABA approval signifies that the applicant has taken a variety of relevant courses offered by qualified faculty and is ready to "hit the ground running."

Type: F

19. The two best-known paralegal associations in the United States are _____ and _____.

a. NFPA, NALA

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Type: E
20. What does it mean to say that a paralegal is "PACE" registered?

a. The Paralegal Advanced Competency Exam ("PACE") is offered by NFPA. It tests a variety of core competencies that paralegals should understand, such as legal research, how to conduct a conflict check how to draft documents, etc. Thus, the designation "PACE-registered paralegal" identifies an experienced paralegal who has demonstrated competency in various topics and who continues to learn by taking continuing legal education courses.

Type: E
21. Why should a paralegal join a local paralegal association?

a. Local paralegal associations offer a variety of programs for their paralegal members, including continuing education, job banks, and more. They provide a social forum as well as opportunities for networking and learning about salary and other local trends.

Type: E
22. What does the term "freelance paralegal" mean?

a. A freelance paralegal is one who is self-employed and works on a case-by-case basis as an independent contractor, offering services to attorneys and law firms for specific legal projects. When the case or project concludes, the paralegal's engagement is ended, and the paralegal moves on to the next assignment.

Type: E
23. What does it mean to say that paralegals are regulated "indirectly"?

a. In most states, paralegals are not regulated in and of themselves; rather, attorneys are regulated through their state bar associations and various ethics rules, and then those attorneys have responsibility for their paralegal-employees.

Type: E
24. Briefly distinguish among the terms *registration, certification*, and *licensing* with regard to paralegal regulation.

a. Registration is a method of regulation of paralegals by which paralegals' names would be maintained on a register or list for consumer identification (for example, if a paralegal in Florida meets certain educational and work experience requirements, that individual may identify as a "Florida Registered Paralegal").

Certification is he process by which a nongovernmental entity such as a paralegal association identifies that an individual has met its standards (for example, a paralegal may be certified by NFPA as a PACE- registered paralegal)

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Licensing is the process by which a governmental entity grants permission and issues a license to individuals to practice a profession, such as the paralegal profession (for example, the Washington and Utah programs are limited licensing programs).

Type: E

25. What does it mean to say that the State of Washington has a "limited" licensing program for paralegals?

a. A "limited" license allows the paralegal to engage only in specified activities. The paralegal is not practicing law but rather has a limited type of permission from the state to engage in certain activities (in Washington, at the time of the writing of this edition of the text, limited license technicians can provide services only in the area of family law).

Type: E

26. Ben is a "legal document preparer" in California. He is helping Kate prepare a petition for dissolution of marriage. Ben notices that Kate has made an error in completing the form. May Ben advise Kate of the error and tell her to correct it? Discuss.

a. No. Legal document prepares function in a "ministerial" manner, meaning that they cannot suggest which forms to use or how to answer a specific question.

Type: E

27. What does it mean to say that there is an "access to justice gap" in America and how can using paralegals close this gap?

a. In the United States, the legal needs of many poor and middle-class individuals are simply unmet. These individuals cannot afford attorneys and thus cannot afford to enforce their rights or defend themselves. Thus, they are deprived of access to justice.

One important approach to help solve the access to civil justice crisis is the use of nonlawyers. As early as 2014, the ABA Task Force on the Future of Legal Education recommended that states expand their regulatory and licensing frameworks to authorize nonlawyers to provide legal services. Whether the solution is limited licenses to practice law (as is the approach in Washington and Utah), court navigators (as is the case in more than 20 jurisdictions), or some other model, there is no question that qualified paralegals can perform substantive, high-quality legal work for consumers.

Type: E

28. Imani has been working at her law firm as a paralegal for ten years. She has no formal paralegal education and has received all of her training "on the job."

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What concerns might Imani have if her state implements some form of regulation that licenses only paralegals who are graduates of paralegal schools?

a. If Imani's state begins to require that all paralegals must be graduates of paralegal schools or programs, Imani's job will be regulated out of existence. Imani is clearly competent and able to perform her job as a paralegal without any particular schooling. Ensuring that practicing paralegals who have "come up through the ranks" be allowed to continue working in their profession is critical in any regulation contemplated.

Type: E

29. Paralegals may generally perform a wide variety of legal tasks. What are the three legal tasks that they *cannot* perform?

a. Paralegals may not accept clients or set legal fees, may not give legal advice, and may not represent a party in court.

Type: E

30. Why do some paralegals prefer that paralegals *not* receive compensation for overtime?

a. Some paralegals believe that as long as paralegals accept overtime pay, they will not be considered true professionals like attorneys and doctors; the paralegals will be thought to be akin to clerical workers.

Type: MT

31. Identify which of the following activities are permissible for paralegals:

a) Conducting legal research=**Permissible**
b) Writing letters to clients=**Permissible**
c) Drafting court pleadings and motions=**Permissible**
d) Representing a client at a court trial=**Not permissible**
e) Representing a client at a Social Security hearing=**Permissible**

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