

LEGAL MANAGEMENT

THE MAGAZINE OF THE ASSOCIATION OF LEGAL ADMINISTRATORS

CM Feature

COMMUNICATIONS AND ORGANIZATIONAL MANAGEMENT

The Paralegal Impact

Staffing shifts have given some paralegals new work and new needs — and given their employers new challenges.

Hefty cutbacks made during the Great Recession — the legal sector reduced employment *by 46,000* from December 2007 to June 2009 alone — changed many law firm and legal department staffing models.



ERIN BRERETON

Owner, Chicago Journalist Media

“As the legal industry and the economic pressures that have affected it continue to evolve, it will result in the demand for paralegals going up in the future.”

MARCIA BIBB

Director of Practice Support Services, Parker Poe Adams & Bernstein LLP



As a result, the paralegal role changed, too, says Charles Volkert, Executive Director at legal recruiter and consulting firm Robert Half Legal.

“The [Great] Recession made a lot of law firms focus on efficiencies and profitability,” Volkert says. “Firms, as well as in-house departments, started giving paralegals more responsibility, taking over functions that were historically done by first-, second- or third-year associates. Paralegals took on an increased value.”

Employers now frequently look for certain qualifications. Certification is required in California, due to Business and Professions Code 6450, which says a paralegal must possess a specific educational background — such as certification from an ABA-approved program or a bachelor’s degree and at least one year of law-related experience under the supervision of a California licensed attorney.

In other states, legal industry employers often want to see paralegals either have voluntarily obtained certification or a college degree, according to Volkert.

“Law firms in particular, but also in-house counsel, are more exacting in the requirements they’re seeking,” Volkert says. “Employers used to want two to three years’ experience. Now we’re seeing ones who’d like four, five or six years or more, with a bachelor’s degree or certification.”

PERSONALIZED PREREQUISITES

Marcia Bibb, Director of Practice Support Services at Parker Poe Adams & Bernstein LLP and President of the International Paralegal Management Association, says clients have started to ask her law firm — which employs approximately 40 paralegals — for copies of its paralegals’ certification.

“That’s been happening for roughly the last five years in our region, and I think that’s going to be

more of a trend going forward," Bibb says. "They want to know the people working on their files have the proper education and training to do their work."

Candidates can obtain employment without certification. For example, Rina Chasan, Senior Paralegal at Phoenix commercial litigation firm Cohen Kennedy Dowd & Quigley, which has five paralegals, says she wouldn't automatically remove a noncertified candidate from consideration.



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JENNA WILEY

Paralegal Manager, Kisling,
Nestico & Redick



In fact, Chasan recently hired a paralegal with no law firm experience who came from an environment where accuracy was a priority.

"The person was a good fit," Chasen says. "Certification is a great option, but for me, experience is more important. What you learn in school and on the job are completely different things."

GIVING GUIDANCE

For 74 percent of paralegals, direct supervision is provided by an attorney or office administrator, according to paralegal association NALA's 2015 Paralegal Utilization and Compensation [survey](#). Paralegal administrators oversee 7 percent of professionals in the industry.

From ensuring candidates have the required credentials to providing ample opportunities for advancement, managing paralegals in today's work environment typically involves a number of unique considerations.

1. Controlling workflow: Having a heavy workload from time to time is "just the nature of the cases we work on," Chasan says. "We can have five cases go through discovery all at once, and then they're done, and the workload slows down."

Five-hundred-employee firm Fenwick & West LLP, which employs about 90 paralegals, reminds those working on short-lived but time-intensive matters, such as a trial or corporate mergers and acquisitions matter, that the hectic schedule won't be the norm.

"We try to stress that we know it's a tough time, but what they're going through is temporary. And next time, someone else will work on it, so a paralegal doesn't feel [he or she is] constantly the one doing trials and working on deals and feeling pressure," says Sylvia Skucha, Senior Paralegal Manager at Fenwick & West LLP.

If the firm notices a paralegal team is consistently working overtime, it also examines productivity and staffing to determine if more staff members need to be added.

Four years ago, the firm began hiring assistants from colleges with paralegal programs who are

interested in becoming paralegals but lacked experience. So far, 10 have been brought in to work directly with paralegals who provide training and mentoring.

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CHARLES VOLKERT

*Executive Director,
Robert Half Legal*



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“That gives paralegals the opportunity to delegate work, and the hope is that person will become a paralegal [at the firm] when they graduate from the training program,” Skucha says.

To help prevent overworking its staff, Ohio personal injury firm Kisling, Nestico & Redick, which has roughly tripled in size in the past three years, has also added employees. The firm now has twice as many paralegals — 46 — as when Paralegal Manager Jenna Wiley started.

“Growth is a great problem to have,” Wiley says. “But it hits the support staff. We have higher caseloads than ever, which does get taxing. So, we try to focus on keeping them low and manageable.”

2. Aligning expectations: Managers often serve as conduits between attorneys and paralegals. Skucha has found that in some instances, when an issue arises, the attorney’s expectations turn out to be very different than the paralegal working on the matter understood them to be.

For example, attorneys may not know that the firm’s paralegals are nonexempt employees.

“Sometimes an attorney will complain they emailed a paralegal at eight at night and didn’t hear back until the next morning,” Skucha says. “Not all paralegals have email access or a laptop at home, and if they don’t expect an emergency to happen, they might not be checking email until the next day.”

If a deal is scheduled to take place outside of normal work hours, she advises attorneys ask if the paralegal can be available.

“The paralegal can then provide the support or find someone else to get the attorney the support they need,” Skucha says. “I advise attorneys and paralegals to make sure they’re on the same page, and no one will be disappointed.”

3. Providing room for paralegals to grow: Offering tiered positions — such as a senior paralegal role — can encourage paralegals in the early stages of their career to utilize mentoring and training opportunities to advance to the next level.

Seasoned paralegals who are at the senior level, though, may feel they have nowhere to go.

“Paralegals who have been doing this for 20 years have already reached that goal,” Skucha says. “Keeping them motivated and excited can be challenging.”

After discovering one of its strongest paralegals was trying to leave for another job, Fenwick & West developed a specialist position two years ago for two of the firm’s practice groups, which includes a promotion from the senior paralegal level and a pay increase.

“It gives paralegals who have been doing this for a long time the chance to become experts in a given field,” Skucha says. “A big part of the job is doing training and mentoring to other paralegals in their group to offer their expertise. That always gets them excited; they have so much

That always gets them excited; they have so much knowledge to share.”

SYLVIA SKUCHA

Senior Paralegal Manager,
Fenwick & West LLP



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If additional internal responsibilities aren't available, consider making experienced paralegals a liaison to service providers or corporate clients — a practice Robert Half Legal has seen increase since the recession.

“The clients we work with often spend a lot of time focusing on retention of their best people,” Volkert says. “Part of that, with the paralegal role, is to add some leadership roles, creating a career path and highlighting that in the legal community, as well as in the firm, paralegals have that type of role and responsibility.”

4. Effectively planning for future paralegal staffing: “Right now, the demand for legal work is up and down. It flows between practice areas,” Bibb says.

Firms and corporations are trying to balance maintaining a profitable size and meeting client needs — which, she says, can be challenging.

“To staff appropriately, to some degree, you have to focus on cross-training to make sure paralegals are [able] to support different practice areas and fluctuating requests for support,” Bibb says. “However, paralegals [like attorneys] have become so specialized over the years that it can be hard to transition them into other practice areas.”

Sudden departures can also complicate productivity.

“It can be very taxing when you have people either quit or be terminated,” Wiley says. “There are always a few people who have to pick up the slack, and someone ends up feeling the brunt of the burden.”

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RINA CHASAN

Senior Paralegal, Cohen
Kennedy Dowd & Quigley

Although many firms and legal departments focus on succession planning for top management members, key paralegal roles are often ignored, according to Volkert.

“We are surprised that many of our clients say, ‘Sue or Bill has been here 15 years and is leaving in two weeks, and we need someone immediately with that level of experience’ — and they haven't groomed anyone to take over,” he says. “It's really important not only for partner levels, but also for paralegals and additional support professionals who are leaders.”

FOSTERING A FULL HOUSE

Losing newer employees can also have a damaging effect. After experiencing turnover issues, Kising, Nestico & Redick, which had been focusing on hiring paralegals right out of school, decided to alter its recruitment mentality.



"We found they didn't necessarily see it as a career; it was [more of] just a job [to them]," Wiley says. "Now, we would prefer to hire someone with experience. We want someone [who'd like] to make a home with us."

Maintaining a consistent paralegal staff is particularly important at firms like Kisling, Nestico & Redick, where attorneys are frequently away from the office, prompting paralegals to serve as an important client contact point.

Seventy-five percent of paralegals who had been employed five or more years reported having more client involvement now than when they started, according to NALA's 2015 [survey](#).

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As legal outlets continue to place more emphasis on the paralegal position, demand for qualified professionals is likely to grow — 42 percent of law firm leaders believe their firm will have more paralegals in five years, according to Altman Weil's 2015 Law Firms in Transition [survey](#). Fewer than 9 percent think they will have less.

"As the legal industry and the economic pressures that have affected it continue to evolve, it will result in the demand for paralegals going up in the future," Bibb says.

She says she'd encourage interested parties, without hesitation, to seek out the profession — and advises current paralegals continually pursue educational and other opportunities to help increase their standing in the industry.

"I always tell the paralegals in my firm that they're like salespeople; their clients are the attorney and our clients," Bibb says. "It's up to them to market their skills — and it's also up to them to keep their skills current."

ABOUT THE AUTHOR

Erin Brereton is a legal industry marketing consultant who has written about the legal industry, finance, business and other topics for more than 50 legal associations, magazines, websites and other publications.

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