

Chapter 01: Introduction to the Paralegal Career

True / False

1. Precision and attention to detail are important characteristics of a paralegal.

- a. True
- b. False

ANSWER: True

2. One out of every three Americans will need the advice of an attorney in the next six months.

- a. True
- b. False

ANSWER: False

3. NALA is one of the member associations of NFPA.

- a. True
- b. False

ANSWER: False

4. Independent contractors are employees of attorneys.

- a. True
- b. False

ANSWER: False

5. Some states allow disbarred or suspended attorneys to work as paralegals.

- a. True
- b. False

ANSWER: True

6. In California, an independent contractor cannot be called a paralegal unless they work under attorney supervision.

- a. True
- b. False

ANSWER: True

7. The definition of a paralegal that is legally binding is the definition written by the American Bar Association.

- a. True
- b. False

ANSWER: False

8. Leveraging can make paralegals profitable for employing attorneys.

- a. True
- b. False

ANSWER: True

Multiple Choice

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9. The association that is primarily concerned with the supervision of paralegals on the job is:

- a. NALA.
- b. IPMA.
- c. SCOP.
- d. NFPA.

ANSWER:

b

10. When an independent contractor does work for an attorney, the independent contractor controls:

- a. the objectives of the work.
- b. the scope of the work.
- c. many of the administrative details of performing the work.
- d. court costs.

ANSWER:

c

11. Opposition to document service providers (DSPs) who sell their services directly to the public without attorney supervision has come from all of the following sources EXCEPT:

- a. some disgruntled clients of DSPs.
- b. some bar associations.
- c. some traditional paralegals.
- d. some traditional law firms.

ANSWER:

d

12. In California, independent contractors who sell law-related legal services to the public without attorney supervision are all of the following EXCEPT:

- a. legal document assistants (LDAs).
- b. unlawful detainer assistants (UDAs).
- c. bankruptcy petition preparers (BPPs).
- d. document service providers (DSPs).

ANSWER:

d

13. The cost of which of the following is NOT considered overhead in most states?

- a. Rent
- b. Paralegal salaries
- c. Insurance
- d. Secretaries

ANSWER:

b

14. What is the most likely consequence of a paralegal failing to maintain precise and detailed records of their work?

- a. The paralegal may be unable to justify their billable hours to clients.
- b. The paralegal may face disciplinary action from their paralegal association.
- c. The paralegal may be ineligible for promotion opportunities within their firm.
- d. The paralegal may be unable to complete their assigned tasks efficiently.

ANSWER:

a

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15. Which of the following is NOT one of the major organizations for paralegals?

- a. National Federation of Paralegal Associations (NFPA)
- b. National Association of Legal Assistants (NALA)
- c. American Bar Association Standing Committee on Paralegals (SCOP)
- d. International Paralegal Management Association (IPMA)

ANSWER: d

16. What is the main purpose of continuing legal education (CLE) for paralegals?

- a. To maintain professional licenses
- b. To stay updated on changes in the law and develop new skills
- c. To network with other legal professionals
- d. To earn higher salaries

ANSWER: b

17. What is the most common title used for independent contractors who sell their services directly to the public without attorney supervision?

- a. Legal document assistants (LDAs)
- b. Unlawful detainer assistants (UDAs)
- c. Paralegal
- d. Document service providers (DSPs)

ANSWER: d

18. What is the primary reason why some traditional paralegals oppose the use of the “paralegal” title by document service providers (DSPs)?

- a. DSPs often charge lower fees than traditional paralegals.
- b. DSPs are not required to complete formal paralegal education.
- c. DSPs do not work under attorney supervision.
- d. DSPs are not members of paralegal associations.

ANSWER: c

19. Which of the following is the most common title used for those who are employees of attorneys?

- a. Legal assistant
- b. Paralegal
- c. Independent contractor
- d. Document service provider

ANSWER: b

20. Which of the following is an example of a paralegal specialist position?

- a. Legal secretary
- b. Litigation paralegal
- c. Receptionist
- d. E-discovery paralegal

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ANSWER: d

21. Which of the following is NOT one of the common characteristics of the definitions of a paralegal?

- a. Works under attorney supervision
- b. Performs substantive legal work
- c. Has acquired legal skills through education, training, or on-the-job experience
- d. Is a member of a paralegal association

ANSWER: d

22. Which of the following tasks performed by a paralegal is LEAST likely to be considered substantive legal work?

- a. Drafting correspondence to clients
- b. Conducting legal research
- c. Scheduling meetings and appointments
- d. Assisting with document production

ANSWER: c

23. What is the primary purpose of the absence test in defining paralegal tasks?

- a. To determine if a task is billable
- b. To assess the complexity of a task
- c. To identify tasks that require attorney supervision
- d. To distinguish between paralegal and clerical tasks

ANSWER: d

24. Which of the following is an example of substantive legal work that a paralegal might perform?

- a. Answering phone calls
- b. Scheduling client meetings
- c. Drafting legal documents
- d. Organizing office supplies

ANSWER: c

25. Which of the following is considered overhead in most states?

- a. Attorney fees
- b. Paralegal fees
- c. Court costs
- d. Operating expenses

ANSWER: d

26. What is the purpose of fee-shifting statutes?

- a. To penalize plaintiffs for filing frivolous lawsuits
- b. To encourage aggrieved parties to bring litigation in certain areas of law
- c. To reduce the overall cost of litigation
- d. To ensure that attorneys receive fair compensation for their services

ANSWER: b

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27. In which of the following situations is fee-shifting most likely to occur in the United States?

- a. When the parties have a prior agreement
- b. When the losing party acts in good faith
- c. When the case involves a minor dispute
- d. When the case is resolved through mediation

ANSWER:

a

28. Which of the following is an example of a contingent fee arrangement?

- a. The client pays an hourly rate for the attorney's services.
- b. The client pays a fixed fee regardless of the outcome of the case.
- c. The attorney receives a percentage of the settlement or award.
- d. The client pays a retainer fee upfront.

ANSWER:

c

29. In *Missouri v. Jenkins*, the U.S. Supreme Court decided that paralegal fees in statutory-fee cases should be calculated based on:

- a. the actual cost to the law firm.
- b. the prevailing market rate.
- c. a fixed rate determined by the court.
- d. the complexity of the tasks performed by the paralegal.

ANSWER:

b

30. In which of the following cases did the U.S. Supreme Court reinforce the decision in *Missouri v. Jenkins*?

- a. *Richlin Security Service Co. v. Chertoff*
- b. *Cameo Convalescent Center Inc. v. Senn*
- c. *McMackin v. McMackin*
- d. *Johnson v. Georgia Highway Express Inc.*

ANSWER:

a

31. What is the most significant consequence of the U.S. Supreme Court's decision in *Missouri v. Jenkins*?

- a. Paralegal fees are no longer recoverable in any case.
- b. Paralegal fees are always calculated at the actual cost to the law firm.
- c. Paralegal fees in statutory-fee cases are often calculated at market rates.
- d. Paralegal fees are always paid by the losing party in a case.

ANSWER:

c

32. Which of the following employers is LEAST likely to have a career ladder for paralegals?

- a. A large law firm with more than 50 attorneys
- b. A corporate legal department
- c. A government agency
- d. A sole practitioner

ANSWER:

d

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33. Which of the following is a common duty of a paralegal manager in a large law firm?

- a. Representing clients in court
- b. Drafting legal documents
- c. Coordinating assignments of paralegals among different attorneys
- d. Determining the firm's billing rates

ANSWER:

c

34. Which of the following factors does NOT typically influence a paralegal's salary?

- a. Geographic location
- b. Years of experience
- c. Education level
- d. Marital status

ANSWER:

d

35. Which of the following best describes the relationship between a paralegal's skills and their salary?

- a. Paralegals with specialized skills tend to earn lower salaries.
- b. Paralegal salaries are not influenced by their skills.
- c. Skilled paralegals and those with considerable responsibility tend to earn higher salaries.
- d. All paralegals within a firm earn the same salary regardless of their skills.

ANSWER:

c

36. Why is it important for a paralegal to maintain a professional online presence?

- a. To attract potential clients
- b. To showcase their personal interests and hobbies
- c. To make a positive impression on prospective employers
- d. To compete with other paralegals for job opportunities

ANSWER:

c

37. What is the primary benefit of joining a paralegal association as a student?

- a. Guaranteed employment upon graduation
- b. Access to networking opportunities and legal resources
- c. Exemption from certification exams
- d. Discounted rates for paralegal services

ANSWER:

b

38. What is the main reason why attorneys should avoid giving legal advice to friends and family?

- a. It can strain personal relationships.
- b. It is considered unethical by bar associations.
- c. It may constitute the unauthorized practice of law.
- d. It can lead to conflicts of interest.

ANSWER:

c

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39. Which of the following is the most effective way to build a positive online reputation as a paralegal?

- a. Posting personal opinions on controversial topics
- b. Sharing confidential information about clients
- c. Maintaining a professional and informative online presence
- d. Regularly updating social media profiles with personal activities

ANSWER: c

40. Which of the following has been the greatest incentive for law firms to employ paralegals?

- a. Increased efficiency
- b. Improved client relations
- c. Reduced overhead costs
- d. Increased profitability

ANSWER: d

41. Which of the following statements best describes the relationship between attorneys and paralegals in terms of leveraging?

- a. Paralegals can help attorneys redirect some of their energies from billable to nonbillable tasks.
- b. Attorneys can increase their profitability by delegating tasks to paralegals.
- c. Paralegals and attorneys should always work on separate tasks to maximize efficiency.
- d. The profitability of a law firm is not affected by the ratio of paralegals to attorneys.

ANSWER: b

42. Which of the following best describes the impact of leveraging on a law firm's profitability?

- a. Leveraging has no impact on a law firm's profitability.
- b. Leveraging reduces a law firm's profitability.
- c. Leveraging can increase a law firm's profitability if paralegals generate income from billable work.
- d. Leveraging always increases a law firm's profitability regardless of paralegal billable hours.

ANSWER: c

43. What is the primary reason for the growing demand for paralegals in the legal industry?

- a. Paralegals can perform tasks faster than attorneys.
- b. Paralegals have more specialized knowledge than attorneys.
- c. Paralegals can help law firms increase efficiency and profitability.
- d. Paralegals are required by law in all legal matters.

ANSWER: c

Subjective Short Answer

44. What national bar association has had a major role in the development of paralegalism?

ANSWER: American Bar Association

45. What is paralegal certification?

ANSWER: A formal recognition that a paralegal has met designated qualifications.

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46. What is the distinction between a traditional paralegal and an independent contractor?

ANSWER: A traditional paralegal is an employee of an attorney. An independent contractor has their own business.

47. What is a conflicts specialist?

ANSWER: A law-firm employee, often a paralegal, who helps the firm determine whether a conflict of interest exists between prospective clients and current or former clients.

48. Define the unauthorized practice of law.

ANSWER: (1) Using or attempting to use legal skills to help resolve a specific person's legal problem when the assistance is provided by someone who does not have a license to practice law and when the assistance requires such a license or other authorization. (2) A nonattorney's performance of tasks in a law office without adequate attorney supervision when those tasks are part of the practice of law. (3) Delegating tasks to a nonattorney that only an attorney can perform.

49. What did *Missouri v. Jenkins* decide?

ANSWER: The market rate of paralegal fees can be awarded in a statutory-fee case under the Civil Rights Attorney's Fees Award Act.

50. What are three characteristics that are common to the definitions of a paralegal in many states?

ANSWER: The person:

- has acquired legal skills through education, training, or on-the-job experience.
- works under attorney supervision.
- performs substantive legal work that the attorney would have to perform if the office did not have a paralegal.

Completion

51. One of the most important skills in the law is the ability to identify the _____ that needs to be resolved.

ANSWER: question
legal question
issue
legal issue

52. Under the _____ test, a substantive legal task is one that an attorney would have to perform if a paralegal were not available.

ANSWER: absence

53. A(n) _____ paralegal does not work in litigation; instead, they assist an attorney who represents clients in matters such as entering contracts, incorporating a business, closing a real estate sale, or planning an estate.

ANSWER: transactional

54. A(n) _____ fee is dependent on the outcome of the case.

ANSWER: contingent

55. In statutory-fee cases, paralegal fees will be denied for _____ tasks performed by a paralegal.

ANSWER: clerical secretarial

Name _____ Class _____ Date _____
: _____ : _____ e: _____

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56. Legal advice is a statement or conclusion that applies the law or legal principles to the facts of a(n) _____ person's legal problem.

ANSWER: specific
particular

57. A paralegal must meet a(n) _____ quota if they are expected to work a minimum number of billable hours over a designated period of time.

ANSWER: billable hours

58. Something is _____ if it pertains to records that are prepared on events as the events are occurring or very shortly thereafter.

ANSWER: contemporaneous

59. The hourly rate that a law office actually collects from the billable hours submitted by an attorney or a paralegal is the _____ rate.

ANSWER: realization