

Ch 1 Today's Professional Paralegal

1. The term *paralegal* is often used interchangeably with which of the following terms?

- a. Legal secretary
- b. Law clerk
- c. Legal assistant
- d. Partner

ANSWER:

c

2. In addition to the term *legal assistant*, a paralegal may be referred to as which of the following?

- a. Legal technician
- b. Legal research specialist
- c. Official legal specialist
- d. Legal technician or legal research specialist

ANSWER:

d

3. The tasks that paralegals perform today were traditionally performed by:

- a. doctors.
- b. law professors.
- c. low-paid secretaries.
- d. attorneys.
- e. law professors and low-paid secretaries.

ANSWER:

d

4. Paralegals typically obtain their training through:

- a. experience.
- b. education.
- c. undergraduate courses.
- d. law school.
- e. experience and education.

ANSWER:

e

5. Today, paralegals often work in which of the following environments?

- a. Corporations
- b. Government agencies
- c. Courts
- d. Insurance companies
- e. All of these choices are correct.

ANSWER:

e

6. Which of the following are tasks that paralegals may perform?

- a. Draft legal documents
- b. Conduct legal research
- c. Interview clients and witnesses
- d. Conduct legal investigations

Ch 1 Today's Professional Paralegal

- e. All of these choices are correct.

ANSWER:

e

7. Which of the following must a paralegal be careful *not* to do?

- a. Draft legal documents
- b. Contact clients
- c. Give legal advice
- d. Draft legal documents and contact clients

ANSWER:

c

8. A paralegal working in a one-attorney office is likely to:

- a. perform certain secretarial functions.
- b. assume the role of an attorney.
- c. perform only high-level tasks.
- d. None of these choices is correct.

ANSWER:

a

9. A paralegal working in a large law firm is likely to:

- a. spend all of his or her time completing low-level paperwork.
- b. have a support staff.
- c. give legal advice.
- d. All of these choices are correct.

ANSWER:

b

10. Paralegals are likely to use which of the following technologies?

- a. Time-and-billing software
- b. Online legal databases
- c. Litigation support software
- d. All of these choices are correct.

ANSWER:

d

11. Which of the following spurred the growth of paralegal education programs?

- a. The demand for lower-cost legal services
- b. The public's use of paralegals
- c. Lawyers' realization of the benefits
- d. The demand for lower-cost legal services and lawyers' realization of the benefits

ANSWER:

d

12. A paralegal who _____ will be very marketable to employers.

- a. speaks only English
- b. only graduates from high school
- c. majors in another field such as nursing
- d. completes only a certificate program

Ch 1 Today's Professional Paralegal

ANSWER:

c

13. Substantive law is law that creates:

- a. procedures for enforcing rights.
- b. legal rights.
- c. legal obligations.
- d. court rules.
- e. legal rights and legal obligations.

ANSWER:

e

14. Procedural law is law that does which of the following?

- a. Creates legal rights
- b. Defines how rights are enforced
- c. Creates legal obligations
- d. All of these choices are correct.

ANSWER:

b

15. Which of the following states requires paralegals to be certified?

- a. Texas
- b. California
- c. New Jersey
- d. None of these—no state requires paralegals to be certified.

ANSWER:

d

16. NALA and NFPA are:

- a. affiliate paralegal associations.
- b. state bar associations.
- c. the two leading national paralegal associations.
- d. None of these choices is correct.

ANSWER:

c

17. Educational options for paralegals include which of the following?

- a. Postgraduate certificates
- b. Paralegal certificates
- c. Associate's degrees
- d. Bachelor's degrees
- e. All of these choices are correct.

ANSWER:

e

18. A certified legal assistant (CLA) is which of the following?

- a. A legal assistant who has passed the bar exam
- b. A legal assistant who has passed the NFPA certification exam
- c. A legal assistant who has passed the NALA certification exam

Ch 1 Today's Professional Paralegal

- d. A licensed paralegal

ANSWER:

c

19. The Paralegal Advanced Competency Exam (PACE) can be taken by paralegals who:

- a. have at least two years of work experience and meet specific educational requirements.
- b. belong to a paralegal union.
- c. have at least a year of work experience.
- d. are sponsored by their employer.

ANSWER:

a

20. Which of the following are skills needed by paralegals?

- a. Organizational skills
- b. Analytical skills
- c. Computer skills
- d. All of these choices are correct.

ANSWER:

d

21. Which of the following is *not* part of professional paralegal behavior?

- a. Objectivity
- b. Courtesy under pressure
- c. Responsibility/reliability
- d. None of these choices is correct.

ANSWER:

d

22. Which of the following is an important part of oral communication?

- a. Body language
- b. Hair color
- c. Position in room
- d. Age

ANSWER:

a

23. Legal analysis is critical to a paralegal's duties because:

- a. it is integral to helping lawyers formulate arguments.
- b. the Paralegal Code says it is.
- c. paralegals must be able to offer unique legal advice to clients.
- d. All of these choices are correct.

ANSWER:

a

24. Communication skills include which of the following?

- a. Reading skills
- b. Oral communication skills
- c. Listening skills
- d. Writing skills

Ch 1 Today's Professional Paralegal

- e. All of these choices are correct.

ANSWER:

e

25. According to the text, at a minimum, with which computer software should paralegals have experience?

- a. Document control software
- b. Client billing software
- c. Word-processing software
- d. All of these choices are correct.

ANSWER:

c

26. Legal assistants must be able to keep confidences because:

- a. clients do not like their secrets told.
- b. paralegals should not gossip.
- c. it is an ethical rule imposed on attorneys.
- d. clients do not like their secrets told, and it is an ethical rule imposed on attorneys.

ANSWER:

c

27. As a paralegal, you will be judged based on your:

- a. actions.
- b. appearance.
- c. attitude.
- d. All of these choices are correct.

ANSWER:

d

28. A paralegal educational program that has satisfied the standards for paralegal training set forth by the ABA is called a(n) _____ program.

- a. NALA-approved
- b. ABA-approved
- c. ABA-accredited
- d. NALA-accredited

ANSWER:

b

29. Growth in the paralegal profession is occurring because law firms are hiring more paralegals to _____ of legal services.

- a. lower the cost
- b. improve the efficiency
- c. increase the availability
- d. All of these choices are correct.

ANSWER:

d

30. Paralegals should be:

- a. detail oriented and organized.
- b. inflexible.

Ch 1 Today's Professional Paralegal

- c. focused on making as much money as possible.
- d. All of these choices are correct.

ANSWER:

a

31. Why does the paralegal profession continue to grow? Are paralegal salaries increasing?

ANSWER: 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.

32. What are the key elements of the ABA and NALA definitions of a legal assistant or paralegal?

ANSWER: 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.

33. List and describe the major tasks that paralegals may perform.

ANSWER: 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.

34. Describe the role of legal assistants as the technology experts in today's law firm. What are some of the ways that computers are used in law offices?

ANSWER: 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.

35. Describe the roles of the AAFPE and the ABA in paralegal education.

ANSWER: 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

Ch 1 Today's Professional Paralegal

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.

36. Describe the degrees and certificates that are available to paralegals. What types of educational institutions grant these degrees?

ANSWER: 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.

37. Explain the difference between substantive and procedural law. Which does a legal assistant study?

ANSWER: 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.

38. What does *certification* mean? What organizations or other entities offer paralegal certification programs?

ANSWER: 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.

39. Describe some of the attributes of paralegal professionalism.

ANSWER: 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

40. Discuss CLE requirements as they apply to the paralegal profession.

ANSWER: 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

Ch 1 Today's Professional Paralegal

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.

41. Can a paralegal give legal advice? Explain.

ANSWER: 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.

42. Describe the factors that might influence the tasks of individual paralegals.

ANSWER: 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.

43. What are some of the ways in which paralegals can manage their time effectively?

ANSWER: 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.

44. Describe guidelines that a paralegal should follow when proofreading legal documents.

ANSWER: 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.
- read through the document again to make sure that the style and formatting elements are consistent throughout.
- print out the document, and go through the contents line by line to make sure that all required or relevant information is included.
- read through the document again, word for word, to ensure that it is free of grammatical errors, misspelled words, and typos.

45. Describe the steps a paralegal should take in preparing for and conducting a client interview.

ANSWER: 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.

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

Ch 1 Today's Professional Paralegal

- 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.