

CHAPTER 1: CAREERS IN TODAY'S PARALEGAL PROFESSION

TEST BANK

MULTIPLE CHOICE

Identify the choice that best completes the statement or answers the question.

- ____ 1. Experienced paralegals earn average compensation around:
- a. \$30,000
 - b. \$40,000
 - c. \$70,000
 - d. \$200,000
- ____ 2. Which of the following professional organizations agree on a definition of a paralegal?
- a. NALA
 - b. NFPA
 - c. ABA
 - d. NALA and ABA
 - e. NFPA and ABA
 - f. NALA and NFPA
- ____ 3. The term *paralegal* is often used interchangeably with the term:
- a. Legal secretary
 - b. Law clerk
 - c. Legal assistant
 - d. Partner
- ____ 4. In addition to *legal assistant*, a paralegal may be referred to as a(n):
- a. Legal technician
 - b. Legal research specialist
 - c. Official legal specialist
 - d. Legal technician or legal research specialist
- ____ 5. Which of the following is true of paralegals?
- a. They may practice law
 - b. They may not practice law
 - c. They only do secretarial work
 - d. They are granted a license to work by the state
- ____ 6. A paralegal is employed by a:
- a. Doctor
 - b. Lawyer
 - c. Building contractor
 - d. Private individuals

- ____ 7. 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
- ____ 8. Paralegals typically obtain their training through:
- a. Experience
 - b. Education
 - c. Undergraduate courses
 - d. Law school
 - e. Experience and education
- ____ 9. Today paralegals often work in:
- a. Corporations
 - b. Government agencies
 - c. Courts
 - d. Insurance companies
 - e. All of these choices are correct
- ____ 10. Which of the following is *not* a place a paralegal is likely to work?
- a. A corporation
 - b. An insurance company
 - c. A farm
 - d. A real estate firm
 - e. None of these choices are correct
- ____ 11. Today paralegals often work in:
- a. Restaurants
 - b. Schools
 - c. Courts
 - d. Farms
- ____ 12. Today paralegals often work in nontraditional places such as:
- a. Restaurants
 - b. Schools
 - c. Farms
 - d. None of these choices are correct
- ____ 13. 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
 - e. All of these choices are correct

- ____ 14. Which of the following is a task that paralegals may *not* perform?
- a. Draft legal documents
 - b. Conduct legal research
 - c. Interview clients and witnesses
 - d. Conduct legal investigations
 - e. Paralegals may perform all of the listed tasks
- ____ 15. What are the tasks paralegals spend the most time performing?
- a. Drafting legal documents
 - b. Client relations
 - c. Research
 - d. All of these choices are correct
- ____ 16. As a paralegal getting a case ready for trial, you will *not* spend time:
- a. Contacting witnesses
 - b. Preparing a trial notebook
 - c. Taking depositions
 - d. Researching issues
- ____ 17. Who were the first paralegals?
- a. Legal secretaries
 - b. Law clerks
 - c. Defunct lawyers
 - d. College graduates
- ____ 18. When did the first formal paralegal education programs begin?
- a. In the early 1950s
 - b. In the late 1960s
 - c. In the mid 1970s
 - d. In the early 1980s
- ____ 19. What was the reason for the growth of paralegal education programs?
- a. The demand for lower-cost legal services
 - b. The public started using paralegals
 - c. The lawyers realized the benefits
 - d. The demand for lower-cost legal services and the lawyers realized the benefits
- ____ 20. How many paralegal education programs exist today in the United States?
- a. Over 300
 - b. Over 500
 - c. Over 1,000
 - d. Over 2,000

- ____ 21. Where would you be likely to find a paralegal education program?
- a. At a community college
 - b. At a four-year college
 - c. At a business school
 - d. All of these choices are correct
- ____ 22. Paralegal programs at community colleges are typically:
- a. Two years long, requiring about 60 semester hours
 - b. Six-week short courses
 - c. One year long, requiring about 30 semester hours
 - d. Four years long
- ____ 23. Substantive law is law that:
- a. Creates procedures for enforcing rights
 - b. Creates legal rights
 - c. Creates legal obligations
 - d. Creates court rules
 - e. Creates legal rights and legal obligations
- ____ 24. An example of substantive law is:
- a. Court rules specifying the documents needed to begin a lawsuit
 - b. A law prohibiting employment discrimination
 - c. A rule specifying when a document must be filed with a court
 - d. All of these choices are correct
- ____ 25. A law prohibiting employment discrimination is an example of:
- a. Procedural law
 - b. Substantive law
 - c. Employment law
 - d. All of these choices are correct
- ____ 26. Procedural law is law that:
- a. Creates legal rights
 - b. Defines how rights are enforced
 - c. Creates legal obligations
 - d. All of these choices are correct
- ____ 27. An example of procedural law is:
- a. A law prohibiting employment discrimination
 - b. A law making stealing a crime
 - c. A law requiring that a complaint be filed to begin a lawsuit
 - d. A law requiring a person to be 16 years old to obtain a driver's license

- ____ 28. A law requiring that a complaint be filed to begin a lawsuit is an example of:
- a. Procedural law
 - b. Substantive law
 - c. Employment law
 - d. All of these choices are correct
- ____ 29. Paralegal students study:
- a. Procedural law
 - b. Substantive law
 - c. Specialties within substantive law
 - d. All of these choices are correct
- ____ 30. Which of the following is a professional association responsible for setting educational standards for paralegals?
- a. NFPA
 - b. AAFPE
 - c. NALA
 - d. LAMA
- ____ 31. The AAFPE was formed by _____ in 1981.
- a. Judges
 - b. Educators
 - c. Lawyers
 - d. Students
- ____ 32. The AAFPE was formed in 1981 in order to:
- a. Promote high standards of paralegal education
 - b. Unionize paralegals
 - c. Increase paralegal wages
 - d. Regulate the paralegal profession
- ____ 33. California was the first state to:
- a. Promote high standards of paralegal education
 - b. Unionize paralegals
 - c. Require a paralegal to meet certain minimum educational requirements
 - d. Regulate the paralegal profession
- ____ 34. The NFPA is:
- a. An association of attorneys
 - b. A state bar association
 - c. A legal secretary's association
 - d. A paralegal association

- ____ 35. Which of the following statements is true?
- a. Paralegal schools must meet ABA standards to be certified
 - b. Paralegals from non-ABA schools are not certified
 - c. Paralegal schools are not required to get ABA approval
 - d. Paralegal schools without ABA approval do not give credit
- ____ 36. Since _____ the ABA has had an established set of educational standards for paralegal training programs.
- a. 1960
 - b. 1974
 - c. 1984
 - d. 1994
- ____ 37. Which of the following is true of NALA?
- a. It is an attorney's association
 - b. It is a paralegal association
 - c. It is a legal secretary's association
 - d. All of these choices are correct
- ____ 38. Which of the following states requires paralegals to be certified?
- a. Texas
 - b. California
 - c. New Jersey
 - d. No state requires paralegals to be certified
- ____ 39. Which of the following states has implemented a voluntary statewide certification program for paralegals?
- a. Arizona
 - b. Michigan
 - c. Texas
 - d. New Jersey
- ____ 40. NALA and NFPA are:
- a. Affiliate paralegal associations
 - b. State bar associations
 - c. The two leading national paralegal associations
 - d. None of these choices are correct
- ____ 41. Educational options for paralegals include:
- a. Postgraduate certificates
 - b. Paralegal certificates
 - c. Associate's degrees
 - d. Bachelor's degrees
 - e. All of these choices are correct

- ___ 42. The difference between a paralegal certificate and a postgraduate certificate is:
- A paralegal certificate is awarded to those with an associate's degree
 - A paralegal certificate is awarded to those with a bachelor's degree
 - A paralegal certificate is awarded to those with a high school diploma or its equivalent
 - None of these choices are correct
- ___ 43. An associate's degree signifies:
- Completion of a two-year program, usually at a community college
 - Completion of a four-year program at a college or university
 - Completion of a paralegal program of study at a private business or trade school
 - Completion of a paralegal program by someone with a bachelor's degree
- ___ 44. A CLA is:
- A legal assistant who has passed the bar exam
 - A legal assistant who has passed the NFPA certification exam
 - A legal assistant who has passed the NALA certification exam
 - A licensed paralegal
- ___ 45. The APC designation means that:
- A legal assistant has passed a test demonstrating general legal competence
 - A legal assistant has passed a bar exam
 - A legal assistant has passed a test demonstrating competence in a legal specialty
 - A legal assistant is a member of APC—a legal assistant organization
- ___ 46. Which of the following organizations administers the CLA and the APC exams?
- State bar associations
 - NFPA
 - NALA
 - PLA
- ___ 47. The Paralegal Advanced Competency Exam (PACE) can be taken by paralegals who:
- Have at least two years of work experience and meet specific educational requirements
 - Belong to a paralegal union
 - Have at least a year of work experience
 - Are sponsored by their employer
- ___ 48. A paralegal who has at least two years of work experience and meets specific educational requirements can:
- Take the Paralegal Advanced Competency Exam (PACE)
 - Obtain a special certificate
 - Take continuing education classes for free
 - Join an elite paralegal union

- _____ 49. Which organization voted to establish the Paralegal Advanced Competency Exam (PACE)?
 - a. NALA
 - b. AAFPE
 - c. NFPA
 - d. ABA

- _____ 50. What does the designation "RP" behind a paralegal's name stand for?
 - a. Registered Professional
 - b. PACE-Registered Paralegal
 - c. Responsible Paralegal
 - d. None of these choices are correct

- _____ 51. Which of the following states requires minimum CLE hours from all individuals who work as paralegals?
 - a. Texas
 - b. Florida
 - c. Hawaii
 - d. California

- _____ 52. 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

- _____ 53. Which of the following is part of professional paralegal behavior?
 - a. Objectivity
 - b. Courtesy under pressure
 - c. Responsibility and reliability
 - d. All of these choices are correct

- _____ 54. 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

- _____ 55. Poor communication can:
 - a. Damage a case
 - b. Destroy a client relationship
 - c. Harm a legal professional's reputation
 - d. All of these choices are correct

- ___ 56. Communication skills include which of the following?
 - a. Reading skills
 - b. Oral communication skills
 - c. Listening skills
 - d. Writing skills
 - e. All of these choices are correct

- ___ 57. Which of the following is part of good speaking skills?
 - a. Facial expression
 - b. Correct grammar
 - c. Posture
 - d. All of these choices are correct

- ___ 58. Paralegals with which of the following skills will have an edge in the job market?
 - a. Copying skills
 - b. Basic word processing skills
 - c. Current technology skills
 - d. Secretarial skills

- ___ 59. One of the most important areas to become familiar with during paralegal training is:
 - a. Online communications
 - b. Written communications
 - c. Fax machine operation
 - d. Sustainability

- ___ 60. 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

- ___ 61. Paralegals may discuss client information with:
 - a. Spouses
 - b. Immediate family members
 - c. The group working on the case
 - d. All of these choices are correct

- ___ 62. As a paralegal, you will be judged based on:
 - a. Your actions
 - b. Your appearance
 - c. Your attitude
 - d. All of these choices are correct

- ____ 63. Which of the following is an important attribute for modern legal professionals?
- a. Being personable
 - b. Being collaborative
 - c. Being entrepreneurial
 - d. All of these choices are correct
- ____ 64. Generally, paralegal organizations are in favor of:
- a. Voluntary certification
 - b. State licensing programs
 - c. Mandatory certification programs
 - d. Technical licensing programs
- ____ 65. A paralegal educational program that has satisfied the standards for paralegal training set forth by the ABA is called:
- a. A NALA-approved program
 - b. An ABA-approved program
 - c. An ABA-accredited program
 - d. A NALA-accredited program
- ____ 66. Which of the following are places where paralegals work?
- a. Law firms
 - b. Corporations
 - c. Government agencies
 - d. All of these choices are correct
- ____ 67. Which of the following is *not* a place where paralegals work?
- a. Law firms
 - b. Corporations
 - c. Government agencies
 - d. None of these choices are correct
- ____ 68. Which of the following entities do most paralegals work for?
- a. Law firms
 - b. Corporations
 - c. Government agencies
 - d. Nonprofit businesses
- ____ 69. When paralegals first established themselves in the legal community in the 1960s, they mostly worked in:
- a. Law firms
 - b. Corporations
 - c. Government agencies
 - d. None of these choices are correct

- ____ 70. _____ of all paralegals work in law firms.
- a. One-fourth
 - b. Two-thirds
 - c. One-third
 - d. One-half
- ____ 71. Most paralegals work in settings with:
- a. More than 25 lawyers
 - b. Fewer than 25 lawyers
 - c. More than 50 lawyers
 - d. Fewer than 5 lawyers
- ____ 72. One of the main reasons that most paralegals start out in small law firms is that:
- a. Small law firms outnumber large ones
 - b. Only small law firms use paralegals
 - c. Employment laws require inexperienced paralegals to start with small companies
 - d. None of these choices are correct
- ____ 73. Which of the following is a benefit of working for a small law firm?
- a. A formal work environment
 - b. Office procedures and employment policies are clearly defined and often set forth in a written manual
 - c. Greater opportunities for promotions and advancement, and better salaries and benefits
 - d. The opportunity to gain a variety of work experience in many areas of the law
- ____ 74. Which of the following is *not* a benefit of working for a small law firm?
- a. A less formal work environment
 - b. The opportunity to gain a variety of work experience in many areas of the law
 - c. Greater flexibility
 - d. All of these choices are correct
- ____ 75. Which of the following is *not* a benefit of working for a small law firm?
- a. A formal work environment
 - b. A less formal work environment
 - c. Greater flexibility
 - d. The opportunity to gain a variety of work experience in many areas of the law
- ____ 76. Which of the following is a disadvantage of working for a small law firm?
- a. More specialized work
 - b. Formal work environment
 - c. Smaller salaries and benefit packages, if any
 - d. More overtime

- ___ 77. Which of the following is a disadvantage of working for a small law firm?
- a. More specialized work
 - b. Formal work environment
 - c. Substantial amounts of secretarial or clerical work
 - d. More overtime
- ___ 78. Which of the following is *not* a disadvantage of working for a small law firm?
- a. More specialized work
 - b. Substantial amounts of secretarial or clerical work
 - c. Smaller salaries and benefit packages, if any
 - d. None of these choices are correct
- ___ 79. Although smaller law firms may pay lower salaries, it is also important to consider _____ when thinking about compensation differentials.
- a. Free parking
 - b. Location
 - c. A relaxed dress code
 - d. All of these choices are correct
- ___ 80. In contrast to small law firms, large law firms:
- a. Are more formal
 - b. Offer lower salaries
 - c. Offer few benefits
 - d. Tend to provide free parking
- ___ 81. Paralegals working for large law firms typically:
- a. Receive lower salaries
 - b. Get few benefits
 - c. Have free parking
 - d. Have responsibilities limited to specific, well-defined types of tasks
- ___ 82. Which of the following would probably *not* be true for a paralegal working at a large law firm?
- a. She would receive a lower salary than a paralegal working at a small law firm
 - b. She would have more benefits than a paralegal working at a small law firm
 - c. She would have a wide range of responsibilities
 - d. She would have responsibilities limited to specific, well-defined types of tasks
- ___ 83. The advantages of a large law firm include:
- a. An informal work environment
 - b. Less access to research resources
 - c. Unclearly defined office procedures and policies
 - d. Greater opportunities for promotions and advancement and better salaries and benefits

- ____ 84. Which of the following is *not* an advantage of working for a large law firm?
- a. Better salaries
 - b. Better benefits
 - c. Clearly defined office procedures and policies
 - d. Greater opportunities for promotions and advancement
 - e. All of these choices are correct
- ____ 85. Problems from stress in the workplace include:
- a. Health problems
 - b. Mistakes in work
 - c. Missed deadlines
 - d. All of these choices are correct
- ____ 86. Which of the following is a way to reduce stress problems?
- a. Prioritize tasks through consultation with your supervising attorney
 - b. Ask your supervisor to assign another person to help you
 - c. Complain about your workload to a family member
 - d. Prioritize tasks through consultation with your supervising attorney and ask your supervisor to assign another person to help you
- ____ 87. To reduce the likelihood of stress in the office, it is important to be:
- a. Organized
 - b. Clear about responsibilities
 - c. Productive
 - d. All of these choices are correct
- ____ 88. For paralegals working in law firms, paralegal compensation generally:
- a. Decreases by the number of attorneys
 - b. Increases by the number of attorneys
 - c. Decreases the more years the paralegal works
 - d. None of these choices are correct
- ____ 89. Paralegals who work for corporations usually work under:
- a. In-house attorneys
 - b. CEOs
 - c. Other paralegals
 - d. All of these choices are correct
- ____ 90. Paralegals working for corporations:
- a. Organize corporate meetings
 - b. Maintain meeting records
 - c. Draft employee contracts
 - d. All of these choices are correct

- ____ 91. Paralegals working for corporations:
- a. Make purchasing decisions
 - b. Give legal advice to employees
 - c. Draft employee contracts
 - d. All of these choices are correct
- ____ 92. Paralegals working for corporations:
- a. Make purchasing decisions
 - b. Give legal advice to employees
 - c. Prepare financial reports
 - d. None of these choices are correct
- ____ 93. When a corporation is involved in a lawsuit, a paralegal employed by the corporation:
- a. Will not be involved
 - b. May be assigned duties related to the lawsuit
 - c. Will act as an attorney for the corporation
 - d. None of these choices are correct
- ____ 94. _____ of paralegals work for corporations.
- a. One-fifth
 - b. One-third
 - c. Two-thirds
 - d. One-half
- ____ 95. One-fifth of all paralegals work for:
- a. Law firms
 - b. Corporations
 - c. The government
 - d. Family businesses
- ____ 96. Which of the following are advantages of working for corporations?
- a. Higher salaries and better benefits
 - b. More regular hours
 - c. Less stress
 - d. No billable hours required
 - e. All of these choices are correct
- ____ 97. Which of the following may be a disadvantage of working for a government agency?
- a. Irregular work hours
 - b. Greater overtime hours
 - c. Billable hours required
 - d. Lower salaries

- ____ **98.** Benefits of working for government agencies include:
- a. Higher salaries
 - b. More vacation time
 - c. Comprehensive employment benefits
 - d. More vacation time and comprehensive employment benefits
 - e. Higher salaries and comprehensive employment benefits
- ____ **99.** Paralegals working for government agencies typically:
- a. Conduct legal research
 - b. Investigate welfare eligibility
 - c. Examine loan applications
 - d. All of these choices are correct
- ____ **100.** Which of the following is *not* a task that a paralegal working for a government agency would undertake?
- a. Conduct legal research
 - b. Offer legal advice to the head of the agency
 - c. Examine loan applications
 - d. Investigate welfare eligibility
- ____ **101.** Which of the following is *not* a task that a paralegal working for a government agency would undertake?
- a. Conduct legal research
 - b. Investigate welfare eligibility
 - c. Examine loan applications
 - d. All of these choices are correct
- ____ **102.** A position working for the Environmental Protection Agency is an example of a paralegal job with:
- a. A corporation
 - b. A law firm
 - c. A government agency
 - d. None of these choices are correct
- ____ **103.** Which of the following government agencies employs the most paralegals?
- a. The U.S. Department of Justice
 - b. The Social Security Administration
 - c. The Department of the Treasury
 - d. The Environmental Protection Agency

- ____ 104. The U.S. Department of Justice:
- a. Employs the most paralegals of any federal government agency
 - b. Does not employ any paralegals
 - c. Employs about one-third of the paralegals who work for the government
 - d. None of these choices are correct
- ____ 105. The best place to find out about employment positions in particular administrative agencies is in:
- a. The *Guide to Paralegal Positions*
 - b. The local courthouse records
 - c. The *United States Government Manual*
 - d. Wikipedia
- ____ 106. Paralegals may work for:
- a. Public prosecutors
 - b. Public defenders
 - c. Public prosecutors and public defenders
 - d. None of these choices are correct
- ____ 107. Public prosecutors are:
- a. Paralegals paid by the government
 - b. Government officials paid by the government
 - c. Private attorneys
 - d. None of these choices are correct
- ____ 108. Public defenders are:
- a. Paralegals paid by the government
 - b. Attorneys paid for by the state to ensure that criminal defendants are not deprived of their constitutional right to be represented by counsel
 - c. Private attorneys
 - d. None of these choices are correct
- ____ 109. Attorneys paid for by the state to ensure that criminal defendants are not deprived of their constitutional right to be represented by counsel are:
- a. Paralegals
 - b. Public prosecutors
 - c. Public defenders
 - d. None of these choices are correct

- ____ 110. District attorneys, state attorneys general, and U.S. attorneys are examples of:
- Paralegals
 - Public prosecutors
 - Public defenders
 - None of these choices are correct
- ____ 111. Legal aid offices:
- Do not employ paralegals
 - Provide legal services to those who find it difficult to pay for legal representation
 - Are often funded by the government
 - Provide legal services to those who find it difficult to pay for legal representation and are often funded by the government
- ____ 112. Which of the following is a benefit for a paralegal working in a legal aid office?
- Lower salaries
 - Higher salaries
 - Shorter hours
 - Helping needy individuals
- ____ 113. Many paralegals working in legal aid offices find their jobs rewarding because:
- They receive high salaries
 - They work flexible hours
 - They are helping needy individuals
 - They are working for the government
- ____ 114. Paralegals who own their own businesses and perform specified types of legal work for attorneys on a contract basis are called:
- Free paralegals
 - For-hire paralegals
 - Freelance paralegals
 - Private paralegals
- ____ 115. Paralegals who own their own businesses and perform specified types of legal work for attorneys on a contract basis are called:
- Free paralegals
 - For Hire paralegals
 - Contract paralegals
 - Private paralegals

- ____ 116. Paralegals who own their own businesses and perform specified types of legal work for attorneys on a contract basis are called:
- Free paralegals
 - For Hire paralegals
 - Independent contractors
 - Private paralegals
- ____ 117. Freelance paralegals are paralegals who:
- Work for the government
 - Own their own businesses and perform specified types of legal work for attorneys on a contract basis
 - Work part-time
 - Work for a firm with more than 25 attorneys
- ____ 118. Advantages to working as a freelance paralegal include:
- The ability to set one's own schedule
 - The ability to work at home
 - The ability to set one's own schedule and the ability to work at home
 - None of these choices are correct
- ____ 119. Which of the following is a disadvantage to working as a freelance paralegal?
- The ability to set one's own schedule
 - The ability to work at home
 - The lack of job benefits such as employer-provided group medical insurance
 - None of these choices are correct
- ____ 120. A legal technician or independent paralegal differs from a freelance paralegal in which of the following ways?
- A legal technician can practice law
 - A legal technician does not work under the supervision of an attorney
 - A legal technician must have an undergraduate degree from an approved university
 - None of these choices are correct
- ____ 121. A person accused of a crime is prosecuted by a:
- Public defender
 - Defense attorney
 - Public prosecutor
 - Private attorney

- ____ 122. A legal aid office represents:
- a. The needy
 - b. The middle class
 - c. The upper middle class
 - d. The wealthy
- ____ 123. A(n) _____ provides services to attorneys on a contract basis.
- a. Independent paralegal
 - b. Supervising attorney
 - c. Legal technician
 - d. Freelance paralegal
- ____ 124. Career planning involves all of the following but:
- a. Defining your long-term goals
 - b. Reevaluating your career
 - c. Identifying your short-term goals
 - d. Never deviating from your initial goals
- ____ 125. Paralegal compensation is affected by a number of factors including:
- a. Firm size
 - b. Geographic location
 - c. Years of work experience
 - d. Area of practice
 - e. All of these choices are correct
- ____ 126. Which of the following specialty areas awards the highest compensation?
- a. Criminal law
 - b. Intellectual property
 - c. Bankruptcy
 - d. Medical malpractice
- ____ 127. In the specialty area of intellectual property, a paralegal would not:
- a. Apply for trademarks
 - b. Seek copyright protection
 - c. Research patent rights
 - d. Design trademarks
- ____ 128. Most paralegals are compensated primarily by:
- a. Hourly wages
 - b. Salaries
 - c. Bonuses
 - d. Overtime
 - e. Hourly wages and salaries

- ____ 129. Paralegals in which region are generally receiving more in compensation?
- a. Northeast
 - b. South
 - c. West
 - d. Midwest
- ____ 130. A typical paralegal annual bonus ranges from:
- a. \$100 to \$500
 - b. \$1,000 to \$1,500
 - c. \$2,000 to \$5,000
 - d. \$5,000 to \$10,000
- ____ 131. Which of the following is a key step in planning your career?
- a. Defining long-term goals
 - b. Coming up with short-term goals
 - c. Reevaluating your career after some time on the job
 - d. All of these choices are correct
- ____ 132. Defining long-term career goals is important because:
- a. It will help you define your short-term goals
 - b. It will help you determine job realities
 - c. It will help you determine your personal preferences and values and define professional goals
 - d. All of these choices are correct
- ____ 133. In locating potential employers, which of the following sources are helpful?
- a. Legal directories such as *Martindale-Hubbell Law Directory*
 - b. Online employment ads
 - c. The Yellow Pages
 - d. Web home pages
 - e. All of these choices are correct
- ____ 134. Networking is:
- a. The process of making friends
 - b. The process of being introduced to co-workers at a new job
 - c. The process of meeting other students
 - d. The process of making personal business connections in your field or profession

- _____ 135. Students can begin networking by:
 - a. Cultivating relationships with instructors
 - b. Joining paralegal associations allowing student members
 - c. Cultivating connections during an internship
 - d. All of these choices are correct

- _____ 136. Most paralegals find employment through what means?
 - a. Newspaper
 - b. Employment agencies
 - c. Networking
 - d. Online services

- _____ 137. _____ is the process of making personal connections with paralegals, paralegal instructors, attorneys, and others who are involved in (or who know someone who is involved in) the paralegal or legal profession.
 - a. Facebooking
 - b. Strategizing
 - c. Networking
 - d. Linking in

- _____ 138. Which of the following can provide valuable inside knowledge of potential job openings?
 - a. The Yellow Pages
 - b. The IPMA
 - c. The State Bar Association
 - d. The IPMA and the State Bar Association

- _____ 139. Which of the following are effective ways of building your professional network?
 - a. Volunteering
 - b. Taking an internship
 - c. Taking an online course from home
 - d. Volunteering and taking an internship

- _____ 140. When looking for a job, marketing your skills involves which of the following stages?
 - a. The application process
 - b. Interviewing
 - c. Following up on job interviews
 - d. The application process and following up on job interviews
 - e. All of these choices are correct

- _____ 141. The _____ lists the names, addresses, telephone numbers, areas of legal practice, and other data for many lawyers and law firms around the country.
- Guide to Paralegal Positions*
 - Yellow Pages
 - Paralegal Law Directory*
 - Martindale-Hubbell Law Directory*
- _____ 142. _____ typically provide long-term employment with salary and benefits.
- Temporary positions
 - Contract positions
 - Direct-hire positions
 - All of these choices are correct
- _____ 143. Before applying for a paralegal position, you should assemble professional application materials including:
- A résumé
 - A cover letter
 - A list of professional references
 - A portfolio
 - All of these choices are correct
- _____ 144. Which of the following is true about résumés?
- They should not include personal data
 - They should be prepared with a computer if possible
 - They should be carefully proofread
 - All of these choices are correct
- _____ 145. Which of the following is true about cover letters?
- They should be lengthy
 - They are used as follow-up letters
 - They should be directed to the person responsible for hiring
 - They do not need to be proofread
- _____ 146. The purpose of a cover letter is:
- To thank an employer for a job interview
 - To provide professional references
 - To transmit writing samples
 - To capture the attention of a recruiter

- _____ 147. When providing professional references to a potential employer, which of the following sources should *not* be included on that list?
 - a. A paralegal instructor
 - b. An internship supervisor
 - c. A previous employer
 - d. Family members

- _____ 148. How many references should be included on the list of professional references used when applying for employment?
 - a. One to three
 - b. Three to five
 - c. Five to seven
 - d. Five to ten

- _____ 149. Which of the following is true when providing a list of professional references to potential employers?
 - a. You should list ten professionally relevant references
 - b. Names of family members and friends should always be included
 - c. A person's name should never be provided as a reference unless you have first obtained the person's permission
 - d. You should provide the home address and telephone number of the reference

- _____ 150. When providing writing samples to potential employers, you should:
 - a. Provide unrevised copies of school assignments
 - b. Not provide documents from work
 - c. Provide samples from work, deleting identifying references to the client
 - d. Include only one sample in your portfolio

- _____ 151. Before going to a job interview, you should prepare by doing which of the following?
 - a. Learning as much about the employer as possible
 - b. Learning the full name and position of the interviewer
 - c. Anticipating possible questions and preparing answers
 - d. Checking out the organization's Web site
 - e. All of these choices are correct

- _____ 152. Being on time is extremely important for a job interview. When preparing for an interview, you should:
 - a. Allow enough time so that you arrive at least ten minutes before the interview
 - b. Be sure you know where the interviewer's office is located and how to get there
 - c. Find out whether parking is available nearby
 - d. Allow enough time so that you arrive at least ten minutes before the interview and find out whether parking is available nearby
 - e. All of these choices are correct

- ____ 153. Before a job interview, you should do which of the following?
- a. Do your "homework" on the employer
 - b. Plan your travel time to allow for an early arrival
 - c. Plan a conservative appearance
 - d. All of these choices are correct
- ____ 154. Which of the following are types of questions that an interviewer may use during a job interview?
- a. Closed-ended questions
 - b. Open-ended questions
 - c. Hypothetical questions
 - d. Pressure questions
 - e. All of these choices are correct
- ____ 155. During a job interview, the interviewer asks you, "Have you ever assisted during trial?" This is an example of which type of question?
- a. Closed-ended question
 - b. Open-ended question
 - c. Hypothetical question
 - d. Pressure question
- ____ 156. During a job interview, the interviewer asks, "How did you manage to get such good grades when working full-time while going to school?" This is an example of which type of question?
- a. Closed-ended question
 - b. Open-ended question
 - c. Hypothetical question
 - d. Pressure question
- ____ 157. During a job interview, the interviewer asks, "What would you do if a client asks you to give legal advice?" This is an example of which type of question?
- a. Closed-ended question
 - b. Open-ended question
 - c. Hypothetical question
 - d. Pressure question
- ____ 158. During a job interview, the interviewer says, "From your résumé I see that you were only at your last job for three months. Did you leave voluntarily or were you asked to leave?" This is an example of which type of question?
- a. Closed-ended question
 - b. Open-ended question
 - c. Hypothetical question
 - d. Pressure question

- ____ **159.** A follow-up letter sent after a job interview should include which of the following items?
- a. Thanks to the interviewer for spending time interviewing you
 - b. A reiteration of your availability for the position
 - c. A reiteration of your interest in the position
 - d. Thanks to the interviewer for spending time interviewing you and a reiteration of your availability for the position
 - e. All of these choices are correct
- ____ **160.** The purpose of a record-keeping system created during a job search is to:
- a. Help you stay abreast of your job-search activities
 - b. Create a resource for networking after you have obtained a position
 - c. Provide information for future career changes
 - d. Help you stay abreast of your job-search activities and provide information for future career changes
 - e. All of these choices are correct
- ____ **161.** Unless you are familiar with the salaries paid by a law firm, you should do which of the following?
- a. Ask for the salary that you want and hope that you get it
 - b. Ask for a low salary and hope that you get a higher one
 - c. Give a salary range that you think should be acceptable to the employer
 - d. Research the compensation paid to paralegals in similar jobs in your community
- ____ **162.** The options for paralegal career advancement include:
- a. Being promoted to another job within the firm
 - b. Transferring to another department within the firm
 - c. Taking a job with another firm
 - d. Being promoted to another job within the firm and transferring to another department within the firm
 - e. All of these choices are correct
- ____ **163.** Which of the following is true regarding career paths for paralegals?
- a. Large law firms generally do not provide career paths for paralegal employees
 - b. Small law firms usually have no predetermined career path for paralegal employees
 - c. Government agencies usually do not have career paths for paralegal employees
 - d. Large law firms generally do not provide career paths for paralegal employees and government agencies usually do not have career paths for paralegal employees
 - e. All of these choices are correct

- ____ 164. Throughout your job search, you should do all of the following but:
- a. Keep track of your contacts
 - b. Be patient
 - c. Be professional
 - d. Ignore the support staff
- ____ 165. A résumé should usually be _____ in length.
- a. One page
 - b. Two pages
 - c. Three pages
 - d. Four pages
- ____ 166. Attorneys generally prefer _____ résumés.
- a. Traditional
 - b. E-mailed
 - c. Long
 - d. Faxed
- ____ 167. Your professional portfolio should include all of the following but your:
- a. Photograph
 - b. List of references
 - c. Letters of recommendation
 - d. Writing samples
- ____ 168. Factors to consider in evaluating a job offer, in addition to salary, likely include all of the following but:
- a. Job benefits
 - b. Opportunities for advancement
 - c. Location
 - d. Receptionist's name
- ____ 169. Possible paths to career advancement within the same firm include all of the following but:
- a. Educating your employer about your abilities so that you can take on more responsibility
 - b. Applying for a job in another firm
 - c. Transferring to a different department or branch office
 - d. Acquiring additional education

- ____ 170. A _____ should mention again your availability and interest in the position, thank the interviewer for his or her time in interviewing you, and perhaps refer to a discussion that took place during the interview.
- a. Cover letter
 - b. Follow-up letter
 - c. Thank you letter
 - d. Job application
- ____ 171. Which of the following should be included in each file of your job-search records?
- a. Telephone numbers
 - b. Addresses
 - c. Dates of contact
 - d. E-mails from potential employers
 - e. All of these choices are correct
- ____ 172. Which of the following should be considered regarding compensation?
- a. Is the salary an annual salary or will you be paid by the hour?
 - b. Is the salary negotiable?
 - c. Is there an annual bonus?
 - d. All of these choices are correct

SHORT ANSWER

173. Why does the paralegal profession continue to grow? Are paralegal salaries increasing?
174. What are the key elements of the ABA and NALA definitions of a legal assistant or paralegal?
175. List and describe the major tasks that paralegals may perform.
176. Describe the roles of the American Association for Paralegal Education (AAfPE) and the ABA in paralegal education.
177. Describe the degrees and certificates that are available to paralegals. Where noted, what types of educational institutions grant these degrees?
178. Explain the difference between substantive and procedural law. Which does a legal assistant study?
179. What does *certification* mean? What organizations or other entities offer paralegal certification programs?
180. Describe some of the attributes of paralegal professionalism.
181. Discuss continuing legal education (CLE) requirements as they apply to the paralegal profession.

- 182.** Can a paralegal give legal advice? Explain.
- 183.** Describe the factors that might influence the tasks of individual paralegals.
- 184.** What are some of the ways in which paralegals can manage their time effectively?
- 185.** Describe guidelines that a paralegal should follow when proofreading legal documents.
- 186.** List and describe the categories of information that should be included on a résumé. Provide examples, using information about yourself.
- 187.** What information should be included in a cover letter accompanying a résumé for a job application?
- 188.** List and describe the items that should be included in a job applicant's portfolio.
- 189.** List and describe the types of organizations where paralegals work.
- 190.** Discuss the pros and cons of submitting your résumé to a firm by e-mail.
- 191.** What are the main components of paralegal compensation? What are some of the factors affecting paralegal compensation?
- 192.** Describe networking and how it might benefit a paralegal seeking employment.
- 193.** What can you do before a job interview to improve your chances of getting the job?
- 194.** Describe how a paralegal job applicant should maintain a job-hunting file system and some of the benefits of having these files.

CHAPTER 2: THE INNER WORKINGS OF THE LAW OFFICE

TEST BANK

MULTIPLE CHOICE

Identify the choice that best completes the statement or answers the question.

- ____ 1. Which of the following choices is a way a law firm is typically organized?
- a. A partnership
 - b. A professional corporation
 - c. A sole proprietorship
 - d. All of these choices are correct
- ____ 2. The Fragomen firm, which handles high volumes of immigration cases, has:
- a. Few paralegals
 - b. A high paralegal to lawyer ratio
 - c. Poor benefits for paralegals
 - d. Personal assistants for every paralegal
- ____ 3. Firms like the Fragomen firm are good for the paralegal profession because:
- a. They employ lots of paralegals
 - b. They are strong advocates of continuing education for paralegals
 - c. They establish paralegal unions
 - d. They provide a lot of vacation time for paralegals
- ____ 4. The simplest form of a business, in which one individual owns the business, is entitled to any profits, and is personally liable for all debts or obligations, is known as:
- a. A partnership
 - b. A professional corporation
 - c. A sole proprietorship
 - d. A business corporation
- ____ 5. A sole proprietorship is:
- a. The simplest form of a business, in which one individual owns the business
 - b. A professional corporation
 - c. A complicated form of business where one individual owns the business, but another receives the profits
 - d. None of these choices are correct

- ____ 6. In a sole proprietorship, the _____ is entitled to any profits made by the firm but is also personally liable for all of the firm's debts or obligations.
 - a. Sole proprietor
 - b. CEO
 - c. Business manager
 - d. Corporate head

- ____ 7. _____ is an individual's personal responsibility for the debts or obligations of a business, using the personal assets of the business owner, such as a home, bank accounts, or other property, to pay the business obligations.
 - a. Corporate liability
 - b. Personal liability
 - c. Partnership liability
 - d. Shareholder liability

- ____ 8. Which of the following is an example of a personal asset?
 - a. A house
 - b. A savings account
 - c. An investment account
 - d. A house and a savings account
 - e. All of these choices are correct

- ____ 9. An attorney who practices law as a sole proprietor is often called a:
 - a. Loner lawyer
 - b. Sole practitioner
 - c. Private practitioner
 - d. Limited practitioner

- ____ 10. Which of the following is true of working for a sole proprietorship?
 - a. The work is highly specialized
 - b. The work typically encompasses a wide variety of tasks
 - c. You will have limited personal liability
 - d. The working hours tend to be more regular—9 A.M. to 5 P.M.

- ____ 11. A paralegal working for a sole practitioner might act as which of the following?
 - a. Secretary
 - b. Paralegal
 - c. Administrator
 - d. All of these choices are correct

- ___ 12. A paralegal working for a sole practitioner might handle which of the following tasks?
- a. Offering legal advice to clients
 - b. Receiving and date-stamping mail
 - c. Interviewing clients and witnesses
 - d. Receiving and date-stamping mail and interviewing clients and witnesses
- ___ 13. A paralegal working for a sole practitioner might handle which of the following tasks?
- a. Bookkeeping
 - b. Receiving and date-stamping mail
 - c. Interviewing clients and witnesses
 - d. Conducting investigations
 - e. All of these choices are correct
- ___ 14. A _____ is an association of two or more persons to carry on, as co--owners, a business for profit, where each owner owns a share of the business and is personally liable for the firm's profits or losses.
- a. Sole proprietorship
 - b. Professional corporation
 - c. Partnership
 - d. Business corporation
- ___ 15. A _____ is a person who has undertaken to operate a business jointly with one or more persons and is a co-owner of the firm.
- a. Sole proprietor
 - b. Shareholder
 - c. Partner
 - d. Managing partner
- ___ 16. The partner in a law firm who makes decisions relating to the firm's policies and procedures and who generally oversees the business operations of the firm is called a(n):
- a. Associate partner
 - b. Managing partner
 - c. Responsible billing partner
 - d. None of these choices are correct
- ___ 17. The managing partner in a law firm is the one who:
- a. Gets the profits from the firm
 - b. Makes decisions relating to the firm's policies and procedures and who generally oversees the business operations of the firm
 - c. Begins the firm, but then does not maintain an active role in running it
 - d. None of these choices are correct

- ____ 18. Associate attorneys:
- a. Are attorneys who are not partners in the firm and thus do not share in the profits
 - b. Are attorneys who make decisions relating to the firm's policies and procedures and who generally oversee the business operations of the firm
 - c. Are the attorneys who begin a firm
 - d. None of these choices are correct
- ____ 19. An attorney employed by a law firm who may someday become a partner and share in the firm's profits is called a(n):
- a. Staff attorney
 - b. Associate attorney
 - c. Contract attorney
 - d. Law clerk
- ____ 20. Attorneys who are not partners in the firm and thus do not share in the profits are called:
- a. Associate attorneys
 - b. Managing attorneys
 - c. For-hire attorneys
 - d. Partner attorneys
- ____ 21. Staff attorneys work for law firms, but:
- a. Do not receive benefits
 - b. Will never become partners
 - c. Work only on a temporary basis
 - d. Will eventually become partners
- ____ 22. _____ work for law firms, but will never become partners.
- a. Associate attorneys
 - b. Managing partners
 - c. Staff attorneys
 - d. All of these choices are correct
- ____ 23. _____ are law students who work for the firm during the summer or part-time during the school year to gain practical legal experience.
- a. Law minors
 - b. Law minions
 - c. Law clerks
 - d. Law apprentices

- ____ 24. Law clerks are:
- Law students who work for the firm during the summer or part-time during the school year to gain practical legal experience
 - Lawyers who are employed by firms for short-term positions
 - Secretaries
 - Certified paralegals
- ____ 25. A _____ is a form of business organization that normally allows lawyers doing business as partners to avoid personal liability for the malpractice of other partners.
- Partnership
 - Professional corporation
 - Limited liability partnership
 - Limited partnership
- ____ 26. _____ is a business entity in which the shareholders are members of the same profession, purchase the corporation's stock, own the firm, share in the profits and losses of the firm in proportion to the number of shares they own, and have limited personal liability.
- Sole proprietorship
 - Partnership
 - Professional corporation
 - Business corporation
- ____ 27. One who purchases corporate stock, or shares, and becomes an owner of the corporation is known as a:
- Partner
 - Shareholder
 - Responsible billing partner
 - Sole proprietor
- ____ 28. The _____ of a professional corporation share in the profits and losses of the firm in proportion to how many shares they own.
- Partners
 - Shareholders
 - Responsible billing partners
 - Sole proprietors
- ____ 29. Shareholders in a professional corporation:
- Share in the profits and losses of the firm in proportion to how many shares they own
 - All receive the same amount of the profits of the firm, regardless of how many shares they own
 - Must pay monthly dues to professional associations
 - Have no personal liability

- ___ 30. A law firm may take which of the following business organizational forms?
- Sole proprietorship
 - Partnership
 - Limited liability partnership
 - All of these choices are correct
- ___ 31. In larger firms, an employee who is responsible for overseeing the paralegal staff and paralegal professional development is known as a(n):
- Office manager
 - Legal administrator
 - Legal assistant
 - Legal-assistant manager
- ___ 32. Rosa Sufuente is a paralegal working in a large law firm. Because of her experience, she has been promoted and now coordinates and oversees paralegal staffing, paralegal assignments, and paralegal professional development. Which of the following best describes Rosa Sufuente's position in the firm?
- Office manager
 - Legal administrator
 - Managing partner
 - Legal-assistant manager
- ___ 33. In larger firms, the paralegal manager or legal-assistant manager is:
- An employee who has had specialized paralegal training at a four-year university
 - An employee who works for a paralegal
 - An employee who hires paralegals
 - An employee who is responsible for overseeing the paralegal staff and paralegal professional development
- ___ 34. An employee of a large law firm who manages the day-to-day operations of the firm is called a(n):
- Managing partner
 - Office manager
 - Legal administrator
 - Legal-assistant manager
- ___ 35. Mike Jones works for the large law firm of Stanley & Stanley in Los Angeles, California. He was hired by the partners to run the business end of the firm. His job is to manage the firm's day-to-day operations. Which of the following best describes Mike Jones's position with the firm?
- Managing partner
 - Office manager

- c. Legal administrator
 - d. Legal-assistant manager
- ___ 36. A(n) _____ is an administrative employee who handles client billing procedures and manages the day-to-day operations of a small law firm by making sure that the office runs smoothly, that sufficient supplies are on hand, and that office procedures are established and followed.
- a. Legal secretary
 - b. Office manager
 - c. Legal administrator
 - d. Legal-assistant manager
- ___ 37. An office manager in a small to medium-sized firm is:
- a. An administrative employee who handles client billing procedures and manages the day-to-day operations, makes sure that the office runs smoothly, that sufficient supplies are on hand, and that office procedures are established and followed
 - b. A law student working for the summer
 - c. An employee responsible for overseeing the paralegal staff and paralegal professional development
 - d. None of these choices are correct
- ___ 38. Which of the following is a task for a small law firm's office manager?
- a. Establishing and overseeing filing procedures
 - b. Ordering and monitoring supplies
 - c. Docketing legal work undertaken by attorneys
 - d. All of these choices are correct
- ___ 39. Employees of a law firm who provide clerical, secretarial, or other support to the legal, paralegal, and administrative staff of a law firm are called:
- a. Support personnel
 - b. Office managers
 - c. Legal administrators
 - d. Legal-assistant managers
- ___ 40. Support personnel at a law firm include which of the following?
- a. Secretaries
 - b. File clerks
 - c. Associate attorneys
 - d. Secretaries and file clerks
 - e. All of these choices are correct

- ___ 41. Support personnel at a law firm include which of the following?
- a. Secretaries
 - b. Managing partners
 - c. Associate attorneys
 - d. Secretaries and managing partners
 - e. All of these choices are correct
- ___ 42. Support personnel at a law firm include which of the following?
- a. Secretaries
 - b. Receptionists
 - c. Messengers
 - d. Secretaries and receptionists
 - e. All of these choices are correct
- ___ 43. Law-firm personnel include which of the following?
- a. Partners
 - b. Associate attorneys
 - c. Paralegals
 - d. Legal administrators or office managers
 - e. All of these choices are correct
- ___ 44. When first taking a job in a law firm, it is important for paralegals to know the status of law-firm personnel because:
- a. It is a standard law-firm employment policy
 - b. It is a category on a paralegal's performance evaluation
 - c. Paralegals should know to whom they are accountable and who, in turn, is accountable to them
 - d. All of these choices are correct
- ___ 45. Employment policies relating to compensation, employee benefits, performance evaluations, employment termination, and other rules of the work place are usually spelled out in a(n):
- a. Written offer of employment
 - b. Performance evaluation
 - c. Employment policy manual
 - d. Written offer of employment and performance evaluation
- ___ 46. An employment manual usually contains:
- a. Written offers of employment
 - b. Performance evaluations
 - c. A firm's policies governing employment
 - d. Written offers of employment and performance evaluations

- ____ 47. Which of the following is likely to be covered in a firm's employment manual?
- a. Policies on how much vacation time employees are entitled to
 - b. Which holidays are observed by the firm
 - c. Personal information on each employee
 - d. Policies on how much vacation time employees are entitled to and which holidays are observed by the firm
- ____ 48. Which of the following is likely to be covered in a firm's employment manual?
- a. Policies on how much vacation time employees are entitled to
 - b. Which holidays are observed by the firm
 - c. What will serve as grounds for the employer to terminate an employee's employment
 - d. All of these choices are correct
- ____ 49. Many law firms conduct _____ to determine if employees will receive raises.
- a. Performance evaluations
 - b. Random surveys
 - c. Surveys of supervisors
 - d. None of these choices are correct
- ____ 50. Performance evaluations are conducted periodically by many firms to determine:
- a. How much vacation time employees are entitled to
 - b. Which holidays employees may take off
 - c. If employees will receive raises
 - d. None of these choices are correct
- ____ 51. Which factors may be considered in a performance evaluation?
- a. Responsibility
 - b. Dependability
 - c. Competence
 - d. Cooperation
 - e. All of these choices are correct
- ____ 52. Which of the following should you do to prepare for a performance evaluation?
- a. Keep track of your accomplishments
 - b. Mention extra hours you worked to help win a big case
 - c. Tell your supervisor about a new software program you mastered
 - d. All of these choices are correct

- ____ 53. Which of the following should you do to be successful in a performance evaluation?
- a. Take extra vacation time right before the evaluation to mentally prepare yourself
 - b. Rely on your fellow workers to mention your contributions to the workplace
 - c. Tell your supervisor about a new software program you mastered
 - d. All of these choices are correct
- ____ 54. During a performance evaluation it is important to:
- a. Adopt a positive outlook
 - b. Rely on your fellow workers to mention your contributions to the workplace
 - c. Tell your supervisor about a new software program you mastered
 - d. Adopt a positive outlook and tell your supervisor about a new software program you mastered
- ____ 55. During a performance evaluation it is important to:
- a. Adopt a positive outlook
 - b. Show that you appreciate constructive criticism
 - c. Learn more about your strengths and weakness
 - d. All of these choices are correct
- ____ 56. If you find that a busy supervising attorney puts off conducting your evaluation, you could:
- a. Complain to the managing partner of the firm
 - b. Hope that next year will be better
 - c. Prepare your own performance evaluation and present it to your supervising attorney for review
 - d. Complain to the managing partner of the firm and prepare your own performance evaluation and present it to your supervising attorney for review
- ____ 57. Which of the following is likely to be grounds for employment termination?
- a. 12 or more absences for two consecutive years
 - b. Getting married
 - c. Voting for a presidential candidate that your supervisor disapproves of
 - d. All of these choices are correct
- ____ 58. Which of the following is considered a discriminatory reason for not hiring an employee?
- a. An employee's age
 - b. An employee's gender
 - c. An employee's race
 - d. All of these choices are correct

- ____ 59. Which of the following is considered a discriminatory reason for not hiring an employee?
- a. An employee's experience
 - b. An employee's gender
 - c. An employee's behavior during a job interview
 - d. All of these choices are correct
- ____ 60. Under the common law doctrine of _____, employers may hire and fire employees for any reason or no reason and employees can leave a job for any or no reason.
- a. Free employment
 - b. Real employment
 - c. Employment at will
 - d. Employment of choice
- ____ 61. Under the common law doctrine of _____, employers may hire and fire employees for any reason or no reason and employees can leave a job for any or no reason.
- a. Free employment
 - b. Real employment
 - c. Employment of choice
 - d. None of these choices are correct
- ____ 62. Sexual harassment is a form of:
- a. Gender-based discrimination
 - b. Race-based discrimination
 - c. Religion-based discrimination
 - d. None of these choices are correct
- ____ 63. Under federal and state statutes, employers may not _____ for discriminatory reasons.
- a. Refuse to hire a job applicant
 - b. Refuse to promote an employee
 - c. Fire an employee
 - d. All of these choices are correct
- ____ 64. A typical law firm has which of the following types of files?
- a. Client files
 - b. Work product files
 - c. Forms files
 - d. Personnel files
 - e. All of these choices are correct

- ____ 65. An efficient filing system:
- a. Helps to ensure that important documents will not be lost or misplaced
 - b. Involves casual procedures based on tradition
 - c. Ensures that important documents will be available when needed
 - d. Will involve formal written procedures and a procedures manual
 - e. Helps to ensure that important documents will not be lost or misplaced and ensures that important documents will be available when needed
- ____ 66. If a client file is misplaced or lost:
- a. The file can usually be easily replaced by an efficient paralegal
 - b. The supervising attorney will take all the blame
 - c. The client may suffer costly harm
 - d. None of these choices are correct
- ____ 67. Filing procedures should:
- a. Protect client confidentiality
 - b. Allow everyone in the office access to all client information
 - c. Be flexible
 - d. None of these choices are correct
- ____ 68. Which of the following should you do to help protect client confidentiality?
- a. Keep all identifiable information about clients off the cover of files
 - b. Never leave a file unattended for even a short time in a publicly accessible location such as a library table or courtroom
 - c. Do not allow outsiders access to firm computer systems or networks
 - d. Use only secure networks or encrypted communications systems for transmission of confidential information
 - e. All of these choices are correct
- ____ 69. Which of the following should never be used for transmission of confidential information?
- a. Internet cafés
 - b. Wireless networks in airports
 - c. Encrypted communications systems
 - d. Internet cafés and wireless networks in airports
- ____ 70. Once a client's file is closed:
- a. You no longer have a responsibility to maintain confidentiality
 - b. You still have an obligation to maintain confidentiality
 - c. You can talk about the file with family, but no one else
 - d. None of these choices are correct

- ____ 71. One of the most important professional obligations of a paralegal is to treat all of your clients' information as:
 - a. Personal
 - b. Private
 - c. Secret
 - d. Confidential

- ____ 72. The first step to opening a new file is to:
 - a. Assign the case a file number
 - b. Call the client
 - c. Make hard copies of all files related to the case
 - d. None of these choices are correct

- ____ 73. Original client documents:
 - a. Should never be altered
 - b. Should be hole punched and placed in a special binder with the case number clearly written on it
 - c. Should never be copied
 - d. Should be available to anyone in the firm

- ____ 74. A large card inserted in the filing cabinet in the place of a temporarily removed file is called:
 - a. A retainer
 - b. An out folder
 - c. An out card
 - d. None of these choices are correct

- ____ 75. The latest information technology trend in which files and programs are stored online so they are accessible from any computer, smartphone, or tablet connected to the Internet is called:
 - a. Free computing
 - b. Wide access computing
 - c. Wireless access-based computing
 - d. Cloud-based computing

- ____ 76. When a case is closed, original client documents are usually:
 - a. Shredded
 - b. Stored off-site
 - c. Returned to the client
 - d. None of these choices are correct

- ____ 77. You destroy old files no longer needed by:
- a. Purging
 - b. Shredding
 - c. Coding
 - d. Merging
- ____ 78. The maximum time period within which specific types of legal actions may be brought to court is set by a:
- a. Court calendar
 - b. Judge's opinion
 - c. Statute of limitations
 - d. Tradition
- ____ 79. Files containing copies of research projects, legal memoranda, and various case-related documents prepared by the firm's legal professionals are known as:
- a. Client files
 - b. Forms files
 - c. Personnel files
 - d. Work product or reference materials files
- ____ 80. Which of the following would be found in a standard forms file?
- a. Retainer agreements
 - b. Real estate forms
 - c. Bankruptcy petitions
 - d. Computerized filing forms
 - e. All of these choices are correct
- ____ 81. A _____ is a file containing copies of the firm's commonly used legal documents and forms that can be used as a model for drafting new documents or forms.
- a. Client file
 - b. Work product file
 - c. Forms file
 - d. Personnel file
- ____ 82. Which of the following forms might be included in a firm's form file?
- a. Forms for filing lawsuits in specific courts
 - b. Forms for retainer agreements
 - c. Forms for bankruptcy petitions
 - d. All of these choices are correct

- ____ 83. Backing up data with external hard drives or off-site services:
- a. Is an important thing to do
 - b. Is illegal
 - c. Cannot be done with confidential information
 - d. None of these choices are correct
- ____ 84. Which of the following is a factor in determining whether a lawyer's fee is reasonable?
- a. Time and labor required to perform the legal work
 - b. The fee customarily charged in the locality for similar legal services
 - c. The experience and ability of the lawyer
 - d. All of these choices are correct
- ____ 85. A set fee for a specific legal service, such as \$500 for a simple will, is known as a(n):
- a. Fixed fee
 - b. Hourly fee
 - c. Contingency fee
 - d. None of these choices are correct
- ____ 86. Marta Greiner meets with her attorney, Norm Abrams, to incorporate her florist shop. The bill for the attorney's services is \$1,500—three hours at \$500 per hour. This is an example of which of the following types of legal fees?
- a. Fixed fee
 - b. Hourly fee
 - c. Contingency fee
 - d. None of these choices are correct
- ____ 87. A legal fee that is a set percentage (such as 33 percent) of the amount that the plaintiff recovers in a civil lawsuit, and which must only be paid if the plaintiff prevails, is known as a(n):
- a. Fixed fee
 - b. Hourly fee
 - c. Contingency fee
 - d. Retainer
- ____ 88. According to the text, as a general rule, clients pay _____ and are billed monthly for time spent on the case by the attorneys or legal personnel.
- a. Fixed fees
 - b. Hourly fees
 - c. Contingency fees
 - d. Costs

- ____ 89. A _____ is a signed document stating that the attorney or the law firm has been hired by the client to provide legal services and that the client agrees to pay the fees set forth in the contract.
- Fixed-fee agreement
 - Hourly-fee agreement
 - Retainer
 - Retainer agreement
- ____ 90. According to a compensation survey conducted by *Paralegal Today* in 2012, billing rates for paralegals range from:
- \$60 to \$155 per hour
 - \$5 to \$50 per hour
 - \$40 to \$400 per hour
 - \$10 to \$100 per hour
- ____ 91. Which of the following types of cases typically cannot have contingency-fee agreements?
- Divorce cases
 - Probate cases
 - Workers' compensation cases
 - All of these choices are correct
- ____ 92. An advance payment made by a client to a firm or attorney to cover part of the legal fees and/or costs that will be incurred on the client's behalf is called a(n):
- Fixed fee
 - Hourly fee
 - Retainer
 - Contingency fee
- ____ 93. Billing more than one client for the same billable time is called:
- Value billing
 - Billable hours
 - Fee splitting
 - Double billing
- ____ 94. Attorney Haynesworth spends three hours in the county circuit court waiting to argue a motion for client Adams. While he waits, he reads several cases for a brief that he is preparing for client Johnson and talks to another judge's clerk about Johnson's case. If attorney Haynesworth bills client Adams for three hours and client Johnson for three hours (a total of six billable hours), attorney Haynesworth has engaged in which of the following?
- Fee splitting
 - Double billing
 - Value billing
 - All of these choices are correct

- ____ 95. When the fees charged to the client vary depending on the results of the representation—for example, whether a lawsuit is lost, won, or settled—it is called:
- Fee splitting
 - Double billing
 - Value billing
 - Task-based billing
- ____ 96. In an ethical opinion, the ABA indicated that attorneys are prohibited from:
- Charging a client by the hour
 - Charging more than one client for the same hours of work
 - Charging a client on a contingency-fee basis in a personal-injury case
 - Charging a client on a fixed-fee basis for a simple will
- ____ 97. A(n) _____ is a bank or escrow account in which one party holds funds belonging to another party; it is a bank account into which funds advanced to a law firm by a client are deposited.
- Expense account
 - Client account
 - Law firm savings account
 - Trust account
- ____ 98. A(n) _____ is a record documenting, for billing purposes, the hours or fractions of hours that an attorney or paralegal worked for each client, the date on which the work was performed, and the type of work that was undertaken.
- Personal time diary
 - Time slip
 - Expense slip
 - Personal time diary and expense slip
- ____ 99. A slip of paper used to record any expense or cost that is incurred on behalf of a client is called:
- A personal time diary
 - A time slip
 - An expense slip
 - A nonbillable expense record
- ____ 100. Time spent on tasks such as administrative work, staff meetings, or performance reviews is _____ time.
- Personal
 - Billable
 - Nonbillable
 - Personal and nonbillable

- ____ 101. Law firms keep track of billable time by requiring legal professionals to submit time slips and usually require attorneys or paralegals to generate a minimum number of billable hours per year. The reason for requiring a minimum number of billable hours is:
- a. To accurately bill clients
 - b. To subject legal professionals to a significant amount of pressure
 - c. That the financial well-being of the firm depends on the number of billable hours generated by its employees
 - d. That only billable hours can be billed to the clients
- ____ 102. Tips for communication by e-mail include:
- a. Aim for professional tone and quality (including using a spell checker)
 - b. Print and review all messages before sending
 - c. Request acknowledgment or feedback for all important messages
 - d. Disclose your paralegal status
 - e. All of these choices are correct
- ____ 103. A law firm's overhead expenses, which are a part of the billing rates of lawyers and paralegals, include all of the following but:
- a. Rent
 - b. Utilities
 - c. Supplies
 - d. Personal transportation
- ____ 104. Mixing together a client's funds with the law firm's funds, called _____, is one of the most common ways in which attorneys breach their professional obligations regarding client funds.
- a. Combining
 - b. Commingling
 - c. Pooled accounts
 - d. IOLTA accounts
- ____ 105. Keeping clients reasonably informed is an attorney's:
- a. Duty
 - b. Option
 - c. Act of courtesy
 - d. Role

SHORT ANSWER/ESSAY

106. What is the purpose of an employee performance evaluation? What criteria are used to evaluate a paralegal employee? How often are employee performance evaluations conducted?
107. Define the term *employment at will*. How have court decisions and statutes affected “at will” employment over time? Where might a paralegal find information regarding his or her employer’s policies on employment termination?
108. Explain when an attorney must use a client trust account. What is the paralegal’s role? Explain what the repercussions are to the attorney who fails to properly use a client trust account.
109. Paralegals must apply professional standards to their e-mail communications and format their e-mail messages appropriately. What are additional guidelines on how to communicate properly with clients using e-mail?
110. What is a sole proprietorship? For a paralegal, what are some of the benefits of working for a sole proprietor (a sole practitioner)?
111. Why are careful filing procedures so essential to the practice of law? How might filing procedures in large and small firms differ?
112. What is a contingency-fee case?
113. What are billable and nonbillable hours? Why do law firms seek to maximize their billable hours?
114. Why is it important to back up your computer work consistently? What are some of the steps you can take to back up your work and plan for emergencies?

ANSWER KEY

CHAPTER 1: CAREERS IN TODAY'S PARALEGAL PROFESSION

MULTIPLE CHOICE

- | | | | | |
|-------|-------|--------|--------|--------|
| 1. C | 39. C | 76. C | 109. C | 142. C |
| 2. D | 40. C | 77. C | 110. B | 143. E |
| 3. C | 41. E | 78. A | 111. D | 144. D |
| 4. D | 42. C | 79. D | 112. D | 145. C |
| 5. B | 43. A | 80. A | 113. C | 146. D |
| 6. B | 44. C | 81. D | 114. C | 147. D |
| 7. D | 45. C | 82. C | 115. C | 148. B |
| 8. E | 46. C | 83. D | 116. C | 149. C |
| 9. E | 47. A | 84. E | 117. B | 150. C |
| 10. C | 48. A | 85. D | 118. C | 151. E |
| 11. C | 49. C | 86. D | 119. C | 152. E |
| 12. D | 50. B | 87. D | 120. B | 153. D |
| 13. E | 51. D | 88. B | 121. C | 154. E |
| 14. E | 52. D | 89. A | 122. A | 155. A |
| 15. D | 53. D | 90. D | 123. D | 156. B |
| 16. C | 54. A | 91. C | 124. D | 157. C |
| 17. A | 55. D | 92. C | 125. E | 158. D |
| 18. B | 56. E | 93. B | 126. B | 159. E |
| 19. D | 57. D | 94. A | 127. D | 160. E |
| 20. C | 58. C | 95. B | 128. E | 161. D |
| 21. D | 59. A | 96. E | 129. C | 162. E |
| 22. A | 60. C | 97. D | 130. C | 163. B |
| 23. E | 61. C | 98. D | 131. D | 164. D |
| 24. B | 62. D | 99. D | 132. C | 165. A |
| 25. B | 63. D | 100. B | 133. E | 166. A |
| 26. B | 64. A | 101. D | 134. D | 167. A |
| 27. C | 65. B | 102. C | 135. D | 168. D |
| 28. A | 66. D | 103. A | 136. C | 169. B |
| 29. D | 67. D | 104. A | 137. C | 170. B |
| 30. B | 68. A | 105. C | 138. D | 171. E |
| 31. B | 69. A | 106. C | 139. D | 172. D |
| 32. A | 70. B | 107. B | 140. E | |
| 33. C | 71. B | 108. B | 141. D | |
| 34. D | 72. A | | | |
| 35. C | 73. D | | | |
| 36. B | 74. D | | | |
| 37. B | 75. A | | | |
| 38. D | | | | |

SHORT ANSWER

- 173.** 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 2012, paralegals earned average compensation of \$73,200.
- 174.** 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.
- 175.** 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.

- 176.** AAFPE was formed in 1981 to promote high standards for paralegal education. While most states do not require paralegals to meet minimum educational standards, many employers either require or prefer job 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.

- 177.** The degrees and certificates available to paralegals include:
- 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.
- 178.** 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.
- 179.** 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, NFPA, NALS, AAPI, and some states offer paralegal certification programs.
- 180.** Some of the attributes of paralegal professionalism include:
- Responsibility and reliability.
 - Objectivity (putting aside personal bias 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.

181. Some paralegal organizations require their members to complete a certain number of CLE hours per year as a condition of membership. Both NALA and 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 12 hours of continuing education every two years. California requires a minimum number of 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.
182. Paralegals may not give legal advice. While 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, which is prohibited by NFPA's and NALA's 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.
183. 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 one 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.
184. 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 completed 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.
185. 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.
 - Should read through the document again to make sure that the style and formatting elements are consistent throughout.
 - Should print out the document, and go through the contents line by line to make sure that it includes all required or relevant information.

- Should read through the document again, word for word, to ensure that it is free of grammatical errors, misspelled words, and typos.
- 186.** The answer should be written in complete sentences and paragraphs. The categories of information that should be discussed include name, address, telephone number, e-mail address and other contact information if applicable, employment objective, education, employment history, legal work experience, related work experience, professional affiliations and memberships, and selected accomplishments.
- 187.** A cover letter should point out things about the applicant and her qualifications for the position that might persuade a recruiter to examine her résumé. Some items to include are high academic standing at school (if applicable), eagerness to specialize in the same area of law as the position that is available, and willingness to relocate to the employer's location. The applicant's job is to convince the recruiter that she is a close match to the perfect candidate for the job. The applicant should also include information so that the reader knows when and where she can be reached.
- 188.** The materials that are needed for the job application process are:
- **Résumé**—A document that summarizes the applicant's employment and educational background.
 - **Cover letter**—A letter that accompanies the résumé used when contacting an employer.
 - **Professional references**—A list of people whom the firm can contact to obtain information about the applicant's abilities.
 - **Letters of recommendation**—Letters written by previous employers or instructors recommending the applicant for a position.
 - **Writing samples**—Samples of written legal documents prepared by the applicant, either in school or at work.
 - **Transcripts**—A list of courses and grades from the applicant's college or university and paralegal education program.
 - **Other relevant professional information**—Professional certification or achievement documents.
- 189.** Student answers might include the following:
- Small law firms:**
- **Advantages**—Exposure to a greater variety of substantive legal areas; personal atmosphere and less formal environment; greater variety of tasks; greater flexibility of hours/procedures.
 - **Disadvantages**—Less potential for advancement; lower salaries and fewer benefits; less support staff; possibly less access to computers; billable hours required.
- Large law firms:**
- **Advantages**—Greater opportunities for promotions and career advancement; higher salaries and better benefits packages; more support staff for paralegals; more computer technology; greater access to research sources.

- **Disadvantages**—Highly specialized work; less variety of tasks; formal atmosphere; billable hours required.

Corporations:

- **Advantages**—More regular hours; less stress; no billable hours required; higher salaries than paralegals who work for law firms.
- **Disadvantages**—Specialized work; formal atmosphere; administrative work.

Government agencies:

- **Advantages**—Regular working hours; more vacation time; no billable hours; extensive employment benefits.
- **Disadvantages**—Lower average salaries than law firms and corporations; specialized work; administrative work.

Legal aid offices:

- **Advantages**—Personal satisfaction in providing legal services to those in need; wide array of responsibilities.
- **Disadvantages**—Lower salaries than in other settings.

190. Student answers might include the following:

PROS: E-mail is faster than regular mail or express delivery services and can be immediately available to the firm.

CONS: E-mail résumés do not look as nice as hard copy résumés, and some firms are not used to receiving submissions via e-mail. Attorneys generally prefer traditional résumés. If an advertisement lists an e-mail address, it is best to submit the application via e-mail and follow up with a printed copy of the letter and résumé as well.

191. The main components of paralegal compensation are salary (which may include bonus or overtime pay) and benefits (which may include paid holidays, sick leave, group insurance coverage for medical, dental, life, and disability insurance, pension plans, and other benefits).

Paralegal compensation is affected by a number of factors, including the size of the firm or legal department and the specialty area in which the paralegal practices. Another income-determining factor is the paralegal's years of experience. Typically, more experienced paralegals enjoy higher rates of compensation. This is particularly noticeable when a paralegal has worked for the same employer for a long period of time. Another major factor that affects paralegal compensation is geographical location. Currently, paralegals who work in the West enjoy higher levels of compensation than paralegals in other regions of the country. However, salary figures represent averages and can therefore be deceptive. For example, a paralegal working in a rural area of Washington State may not earn as much as a paralegal who works in Chicago. Also, salary statistics do not tell the whole story. Although paralegals earn more in California than in Nebraska, the cost of living is higher in California than in Nebraska. This means that a paralegal's real income—the amount that can be purchased with a particular salary—may, in fact, be the same in both states despite the differences in salary.

- 192.** Career opportunities often go unpublished. Many firms post notices within their own organizations before publishing online or in the “Help Wanted” section of a newspaper or periodical. If a paralegal has connections within an organization, he or she may be told that a position is opening up before other candidates are aware that an opportunity exists. More paralegals find employment through networking than through any other means. For paralegals, networking is the process of making personal connections with paralegals, paralegal instructors, attorneys, and others who are involved in (or who know someone who is involved in) the paralegal or legal profession. Online networking is becoming popular as well. Professional organizations and student internships also offer important networking opportunities.
- 193.** You can do many things prior to the interview to improve your chances of getting the job. First, do your “homework.” Learn as much about the employer as possible. Check with your instructors or other legal professionals to find out if they are familiar with the firm or the interviewer. Check the employer’s Web site, if there is one, and consult relevant directories, such as legal and company directories, as well as business publications. When you are called for an interview, learn the full name of the interviewer, so that you will be able to address him or her by name during the interview and properly address a follow-up letter. During the interview, use Mr. or Ms. in addressing the interviewer unless directed by the interviewer to be less formal. Anticipate and review the questions that you might be asked during the interview. Then prepare (and possibly rehearse with a friend) your answers to these questions. Be prepared to be interviewed by a “team” of legal professionals, such as an attorney, a paralegal, and perhaps others from the firm. Promptness is extremely important. Plan to arrive for the interview at least ten minutes early, and allow plenty of extra time to get there. If the firm is located in an area that is unfamiliar to you, make sure that you know how to get there, how long it will take, and, if you are driving, whether parking is available nearby. Appearance is also important. Wear a relatively conservative suit or dress to the interview, and limit your use of jewelry or other accents. You can find further tips on how to prepare for a job interview by checking online career sites or by looking at books dealing with careers and job hunting.
- 194.** To stay on top of job-search activities, the job applicant needs to construct a filing system. This is done by creating a separate file for each potential employer and keeping copies of all letters, including e-mail messages, to that employer in the file, along with any responses. The applicant might also want to keep lists or notes with addresses, telephone numbers, e-mail addresses, dates of contacts, advantages and disadvantages of employment with the various firms that he contacted or by which he was interviewed, topics discussed at interviews, and the like. Then, when called for an interview, he will have information on the firm at his fingertips. Always keep in mind that when looking for paralegal employment, the applicant’s “job” is finding work as a paralegal—and it pays to be efficient. His files will also provide an excellent resource for networking even after he has a permanent position. The files may also provide useful information for a career change in the future.

CHAPTER 2: THE INNER WORKINGS OF THE LAW OFFICE

MULTIPLE CHOICE

- | | | | |
|-------|-------|-------|--------|
| 1. D | 28. B | 55. D | 82. D |
| 2. B | 29. A | 56. C | 83. A |
| 3. A | 30. D | 57. A | 84. D |
| 4. C | 31. D | 58. D | 85. A |
| 5. A | 32. D | 59. B | 86. B |
| 6. A | 33. D | 60. C | 87. C |
| 7. B | 34. C | 61. D | 88. B |
| 8. E | 35. C | 62. A | 89. D |
| 9. B | 36. B | 63. D | 90. A |
| 10. B | 37. A | 64. E | 91. D |
| 11. D | 38. D | 65. E | 92. C |
| 12. D | 39. A | 66. C | 93. D |
| 13. E | 40. D | 67. A | 94. B |
| 14. C | 41. A | 68. E | 95. C |
| 15. C | 42. E | 69. D | 96. B |
| 16. B | 43. E | 70. B | 97. D |
| 17. B | 44. C | 71. D | 98. B |
| 18. A | 45. C | 72. A | 99. C |
| 19. B | 46. C | 73. A | 100. C |
| 20. A | 47. D | 74. C | 101. C |
| 21. B | 48. D | 75. D | 102. E |
| 22. C | 49. A | 76. C | 103. D |
| 23. C | 50. C | 77. B | 104. B |
| 24. A | 51. E | 78. C | 105. A |
| 25. C | 52. D | 79. D | |
| 26. C | 53. C | 80. E | |
| 27. B | 54. D | 81. C | |

SHORT ANSWER/ESSAY

- 106.** The purpose of a performance evaluation is to allow both the employer and the employee to exchange their views on the employee's performance and any problems that the employee faces in the workplace.
- During performance reviews, an employee learns how the firm rates her performance. She gains valuable feedback from the supervising attorney, learns more about her strengths and weaknesses, and identifies the areas in which she needs to improve her skills or work habits. Some of the performance evaluation criteria include responsibility, efficiency, productivity, competence, initiative, cooperation, personal factors, and dependability.
- Employee performance reviews are conducted periodically, at intervals of either once a year or every six months.
- 107.** Traditionally, employment relationships have been governed by the common law doctrine of employment at will. Under this doctrine, employers may hire and fire employees "at will"—that is, for any reason or no reason.
- Today, courts have created several exceptions to this doctrine, and state and federal statutes now regulate some aspects of the employment relationship. Under federal law (and state statutes), employers may not refuse to hire job applicants, refuse to promote employees, or fire employees for discriminatory reasons—because of the employee's age, gender, or race, for example.
- The employer's policy manual likely deals with the subject of employment termination. The policy manual will likely specify what kinds of conduct can serve as a basis for firing employees. The manual will also probably describe termination procedures. Most large law firms have special policies and procedures that an employee must follow with respect to claims of employment discrimination.
- 108.** Funds received from clients as retainers, as well as any funds received on behalf of a client (such as a payment to a client to settle a lawsuit), are placed in a special bank account. This account is usually referred to as a client trust account (or escrow account). It is extremely important that the funds held in a trust account be used only for expenses relating to the costs of serving that client's needs.
- Paralegals who handle a client's trust account should be especially careful to document their use of the funds to protect themselves and the firm against the serious problems that may arise if there are any problems with the account.
- Misuse of client funds constitutes a breach of the firm's duty to its client. An attorney's personal use of the funds, for example, can lead to disciplinary action and possible disbarment, as well as criminal penalties. Commingling (mixing together) a client's funds with the firm's funds also constitutes abuse and is one of the most common ways in which attorneys breach their professional obligations.

109. Always print out a copy of your e-mail and retain it in the client's file so that a record exists. Be sure that any e-mail you send discloses your status as a paralegal (to avoid liability for the unauthorized practice of law). Request recipients to verify that important messages have been received (such as when you are notifying a person of a court date). E-mail systems often have a function that allows senders to request a "return receipt," which will confirm that the message you sent was received. You should also respond to incoming e-mail promptly so that the sender knows that you have received the e-mail. Finally, make sure that you know the policies of your firm regarding confidential e-mail. If used carefully, e-mail can be an efficient way to fulfill your duties and communicate with the firm's clients.

110. In a sole proprietorship, one individual—the sole proprietor—owns the business. The sole proprietor is entitled to any profits made by the firm but is also personally liable for all of the firm's debts or obligations. An attorney who practices law as a sole proprietor is often called a sole (solo) practitioner.

Working for a sole practitioner is a good way for a paralegal to learn about law office procedures because the paralegal will typically perform a wide variety of tasks. Many sole practitioners hire one person to act as secretary, paralegal, administrator, and manager. Paralegals holding this kind of position would probably handle many tasks: receiving and date-stamping the mail, organizing and maintaining the filing system, interviewing clients and witnesses, bookkeeping (receiving payments from clients, preparing and sending bills to clients, and the like), conducting investigations and legal research, drafting legal documents, assisting the attorney in trial preparation and perhaps in the courtroom, and other jobs, including office administration.

Working for a sole practitioner is a good way to find out which area of law you most enjoy because you will learn about procedures relating to many different areas.

Alternatively, if you work for a sole practitioner who specializes in one area of law, you will have an opportunity to develop expertise in that area. In sum, working in a small law firm gives you an overview of law office procedures and legal practice that will help you throughout your career.

111. Every law firm, regardless of its size or structure, has some kind of established filing procedures. Efficient procedures are vital because the paperwork generated is substantial, and important documents must be safeguarded yet be readily retrievable when needed. If a client file is misplaced or lost, the client may suffer costly harm. Additionally, documents must be filed in such a way as to protect client confidentiality. The duty of confidentiality extensively affects legal work and procedures. This is particularly true of filing procedures. All information received from or about clients, including files and documents, is considered confidential. A breach of confidentiality by a paralegal or other employee can cause the law firm to incur extensive liability.

In small firms, filing procedures may be rather informal, and paralegals may need to assume the responsibility for organizing and developing an efficient and secure filing system. Larger firms normally have specific procedures concerning the creation, maintenance, use, and storage of office files. In larger firms, a supervisor generally trains paralegals in office procedures, including filing. Although the trend today, particularly in larger firms, is toward computerized filing systems, many firms create "hard copies" to ensure that files are not lost if computer systems crash.

112. A common practice among litigation attorneys, especially those representing plaintiffs in certain types of cases (such as personal-injury or negligence cases), is to charge the client on a contingency-fee basis. A contingency fee is contingent (dependent) on the outcome of the case. If the plaintiff wins the lawsuit and recovers damages or settles out of court, the attorney is entitled to a percentage of the amount recovered. If the plaintiff loses the lawsuit, the attorney gets nothing—although the client normally reimburses the attorney for the costs and expenses involved in preparing for trial. Often, the attorney’s contingency fee is one-fourth to one-third of the amount recovered. The agreement may provide for modification of the amount depending on how and when the dispute is settled. For example, an agreement that provides for a contingency fee of 33 percent of the amount recovered for a plaintiff may state that the amount will be reduced to a lower percentage if the case is settled out of court.
113. Billable hours are the hours or fractions of hours that attorneys and paralegals spend in client-related work that requires legal expertise and that can be billed directly to clients. For example, a paralegal’s time spent researching or investigating a client’s claim is billable time. So is the time spent conferring with or about a client, drafting documents on behalf of a client, interviewing clients or witnesses, and traveling on a client’s behalf (to and from the courthouse to file documents, for example). Time spent on other tasks, such as administrative work, staff meetings, or performance reviews, is nonbillable time. For example, suppose that a paralegal spends 30 minutes photocopying forms for the forms file, time sheets, or a procedures manual for the office. Those 30 minutes are not considered billable time.
Generally, law firms have a legitimate reason for wanting to maximize their billable hours: The financial well-being of a law firm depends to a great extent on how many billable hours are generated by its employees. Nonbillable time ultimately cuts into the firm’s profits. Therefore, the more billable hours generated by the firm’s legal professionals, the more profitable the business will be.
114. A power failure or other problem can occur at any time. Should this happen, you may lose all current computer work that has not been saved to your hard disk. If you routinely back up documents, you may save yourself the hours of valuable time that could be required to re-create a document or file. You will also save yourself and the firm from the problem of deciding who will pay—the client or the law firm—for the extra time you had to spend to complete the work. Moreover, with back-up copies available, your employer will never have to be without a crucial document when it’s needed.
Surge protectors help to protect against “computer meltdown,” but you should have, in addition, back-up copies of all of your work as well as a contingency plan—such as a second computer available to use. Backing up your work frequently on a CD-ROM, flash drive, or external hard drive is particularly important and can “save the day” if the computer system crashes or fails to the extent that data on the hard drive cannot be retrieved. Another important precaution you can take to prevent loss of work is to have a crash-saving program available to recover lost data.