

Do In-House Paralegals Get More Respect?

by *Chere B. Estrin*

Aretha Franklin sang to the world about it. The subject generally comes up as a top requirement for any career position. I'm talking about respect. R-E-S-P-E-C-T, as Ms. Franklin would put it.

In my travels across the country as a paralegal educator, speaker, author and staffing expert, I noticed a difference between the temperaments of law firm and in-house legal department paralegals. Was I imagining it, or did most in-house paralegals seem more at peace, less stressed, easier to get along with while law firm paralegals seemed tougher, ready for battle, and a tad more defensive, a bit more caustic? Assuming my observations were on track, what propelled this subtle but noticeable personality variation?

After talking with literally hundreds of in-house paralegals about their work environment, I realized they may be getting more respect. Why? What could possibly be different?

I went to several knowledgeable sources to find out. Marnie Carter, a seasoned San Francisco paralegal manager, experienced in both in-house legal departments and major law firms, filled me in. "In-house paralegals do receive more respect from attorneys and staff in-house because the law firm hierarchy does not exist. The corporate environment is a division of management versus staff. Many of the paralegals are classified as "paralegal" but the delineation between junior, mid and senior is not so structured as in the law firm.

The elevated treatment is due to a better understanding of the paralegal's

role. Attorneys leave law school and start work in a firm without exposure or training as to the paralegal's role on a case team. This lack of understanding of a paralegal's duties, can on many occasions lead to an underutilization problem without the advocacy of a paralegal manager.

Most in-house counsel previously worked at a law firm where they received paralegal support. They understand the duties and value a paralegal brings to the team. When the attorney transitions to an in-house counsel role, they are able to better leverage the responsibilities of the paralegal as there is an understanding of paralegal capabilities."

Michele Suzuki, an in-house paralegal at MicroVention, voiced her opinion based on her healthy experiences. "I worked exclusively for law firms for 20 years," she says, "and always felt that many of the lawyers treated their secretaries better than the paralegals. I wondered sometimes if they felt like we were taking their billable hours away, perhaps feeling like they had to compete with us in a "dog-eat-dog" world. When I switched to in-house corporate, I noticed an immediate change. For one thing, corporate work is not a war between litigants, but rather people working together to make the corporate "machine" function effectively and efficiently."

Ah. The "for the corporate good" theory. She may be on to something. The usual set-up in a law firm is that each partner or team almost operates their own fiefdom whereas in a corporation, members of the team pull together for the corporate good, a critical factor missing in many law firms.

It isn't always that way. Peggy Williams, a veteran paralegal in Orlando, Florida and formerly with an in-house legal department of a national insurance company, was in disagreement. "From my experience with working in an in-house counsel office, I receive more respect working in a traditional office. When I did work in-house, I was given traditional paralegal tasks but treated and thought of the same as a legal secretary. The secretaries seemed to hold more rank and respect in the office. One of the biggest differences is that we were not allowed to attend trial as a paralegal. We were allowed to watch one day of testimony but give no assistance to the attorney. At the firm I work for now, it is expected that I go to trial, assist in all preparation and sit at the table."

What about social interaction? Personally, I recalled a terrible caste system within major firms. Attorneys would work alongside with paralegals until 3 a.m. but rarely ask them to go to lunch. In fact, you could burn the midnight oil with attorneys but you really couldn't eat with them. This in part was due to perception. If an attorney wanted to become a powerhouse, it was much better politically to be seen with a heavily influential partner or an up-and-coming associate rather than eat with the rank and file. Was it the same in corporations?

Having more social interaction between paralegals and attorneys could be a factor of sheer numbers. Beth King, RP, a senior paralegal at Vestas in Portland, Oregon, feels there are often more lawyers in a law firm, "so the lawyers talk more among themselves. But, legal departments with smaller attorney numbers rely more

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Message from the President

Elizabeth Olvera

I am excited to lead the SFPA, especially at this point in time.

First of all I would like to thank Ian Elkus for his prior leadership during his tenure as President and being an example and laying the foundation that we as an Association can build upon.

I also want to thank all of the members for being a part of this Association.

Being a member of the SFPA indicates your initiative in wanting to always be kept current in a profession where changes can occur quickly, and often. We want to be a part of your development and growth in the field, and provide meaningful support and resources towards your professional development.

We have many exciting goals we'd like to accomplish this year, which include expanding current resources and extending new services to our members. These offerings include:

- Outreach to law firms to get them more involved with the SFPA
- Creating a paralegal mentorship program
- Expanding our offerings of MCLE events to include practical and technical skills
- Offering workshops that are in alignment with the future of the profession that will help paralegals obtain the marketable skills they need to compete for paralegal positions in today's job market.

There is no question that the legal landscape is changing. As legal professionals we need to adapt to the future. We've done things one certain way for many years but technology has and will continue to change the way attorneys provide legal services to clients, which in turn changes the way we as paralegals provide legal services as well.

In order for us to be the best paralegals we can be, we need to network, make connections, and get out of our comfort zone. I am excited to see what the future holds, and hope that you will see the SFPA as an essential partner for your career in the present, as well as in the future because it's an exciting time to be a paralegal! ➡

SFPA Paralegal Day

June 11th, 2016

at the Bar Association of San Francisco

Join us for a day full of MCLEs, information sharing, networking and good fun with your SFPA colleagues.

For more information on how to register for this event, please go to <http://www.sfpa.com/event-2231321>

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Potential Consequences for Paralegals Not Meeting Their MCLE Requirements in California

by *Elizabeth Olvera*

Since January 1, 2007 paralegals have been required to certify that they have completed a certain number of hours participating in mandatory continuing legal education (MCLE) workshops. According to Business and Professions Code section 6450(d), paralegals must complete the following continuing education hours every two (2) years:

- 4 hours of legal ethics
- 4 hours of general law or specialized law

Unlike attorneys, paralegals are not required to submit their certifications to the state bar or any other overseeing entity. Paralegals are only required to provide those certifications to their supervising attorney. There is no specific format in which the certifications must be presented.

Given the lack of oversight over a paralegal's certifications and the strenuous demands of a busy paralegal's workload, it can become easy for a paralegal to not be in compliance with B&P Code section 6450(d).

There may be consequences for a paralegal who has not met all of their MCLE hours. For example, opposing counsel can dispute paying the firm's professional fees for a paralegal's billable time. Given that paralegals perform a majority of the tasks on certain cases, the amount of money that can be discounted from professional legal fees due to lack of certification can be substantial.

In addition, this issue may also come up if a well informed client disputes the paralegal's billable time and decides that they don't want to pay the legal fees. This can apply to their attorney's own paralegal or to the opposing counsel's paralegal.

Also, the local rules of certain courts require that fees requested for time billed by a paralegal must be supported by the attorney's declaration regarding the paralegal's compliance with Business and Professions Code section 6450. Furthermore, many job postings looking to hire paralegals indi-

cate that candidates must be in compliance with Business and Professions Code section 6450, which includes the MCLE requirements of section 6450(d).

Most importantly, given the way that the Business and Professions code is written, a paralegal is someone who is in compliance with the requirements of Business and Professions Code section 6450, which include subsection (d), and therefore, if a paralegal has not met the hours requirement one can argue that they can't be called a paralegal.

Although paralegals are only required to do a total of eight hours of MCLE within two years, it is advisable that a paralegal take as many MCLE courses as possible to ensure that they stay current on topics that are relevant in the fields that they practice in.

Business and Professions Code section 6450(d) states: Every two years ... a paralegal shall be required to certify completion of four hours of mandatory continuing legal education in legal ethics and four hours of mandatory continuing legal education in either general law or in an area of specialized law. All continuing legal education courses shall meet the requirements of Section 6070. Certification ... shall be made with the paralegal's supervising attorney. The paralegal shall be responsible for keeping a record of the paralegal's certifications.

Further Reading (external links):
[CAPA Guide to MCLE Requirements](#)
[Business and Professions Code § 6450](#)



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Do In-house Paralegals Get More Respect? *(continued from page 1)*

on one another within the department for brainstorming and these relationships tend to build respect. The lawyers actually get to know you better."

However, I still needed some verification, so I created a survey, "*Do In-House Paralegals Get More Respect?*" Over 550 respondents voiced opinions with 58.6% currently working at in-house legal departments and 75.9% having worked in both corporate legal departments and law firms.

An overwhelming 49.5% stated in-house attorneys treated them with more respect. Only 24.4% stated they were treated equally in both environments and a mere 14.1% said they were treated with more respect in a law firm.

Comments regarding how paralegals were treated by attorneys varied from: "Gained more respect with more experience"; "Experience varies from attorney to attorney"; "There are varying degrees of "respect"" to "There are more controls on attorneys with temper problems in-house than at a firm." And finally, the diplomat who stated, "As with all professions, there are people who treat you with respect; I don't find it tied to being in a law firm or an in-house legal department."

Given an opportunity to give advice to a job seeker, a staunch 42.7% said they would recommend an in-house legal department over a law firm or government agency. A small 5.2% said they would advise someone to get out of the field.

And what do attorneys think? I went to Kevin Cranman, General Counsel for Ericsson in Atlanta, who said, "A properly skilled paralegal with appropriate experience can comple-

ment and support an attorney's practice-in law firm and in-house environments. Just like any professional, the individual paralegal earns respect by doing good work efficiently.

Once the paralegal has proven herself, attorneys will trust that person to support projects and do sophisticated work. There is a time and place for an attorney to do 'XYZ' and paralegals do 'ABC' analysis, but a capable paralegal can provide great value to an attorney and an organization by providing good work product, handling much of the drafting and conferring with the attorney on specific issues, and permitting the attorney to leverage her/his time on projects or with clients better."

I guess what Mr. Cranman is saying that if you're good, you're good and that in and of itself should command

respect. Somehow, folks, I'm going to have to agree.

Chere Estrin is the CEO of Paralegal Knowledge Institute and CEO of Estrin Legal Staffing. She has written 10



books about legal careers including the *Paralegal Career Guide 4th Ed.*, and hundreds of articles. Her blog, *The Estrin Report* is a favorite among paralegals. Chere has been interviewed by major publications such as *The Los Angeles Times*, *Newsweek*, *ABA Journal* and many publications. She is a Los Angeles Paralegal Association Lifetime Achievement Award Recipient and New York City Paralegal Excellence award winner. Talk to her at chere.estrin@paralegalknowledge.com.



Our Featured Paralegal / *Susan Jaffe*

Susan Jaffe is a paralegal at The Jaffe Law Firm in San Francisco. She has been a member of the San Francisco Paralegal Association since 2011, and a member of the Board since 2012.



Susan graduated from SFSU's Paralegal Studies program in 2009. She is the Treasurer and an active member of the South Beach District 6 Democratic Club of SF, as well as being involved in other organizations within the legal community.

She likes spending time with her husband Stephen, their dog Boo and their four parrots, Zoe, Howard, Krukow and Atticus.

About the San Francisco Paralegal Association

The San Francisco Paralegal Association is a nonprofit organization created to represent the paralegal profession as an independent, self-directed profession, to enable paralegals to enhance their professional development, and to support the expansion of the delivery of legal services in an economic and effective manner.

More information about our Board of Directors, bylaws, committees and practice sections can be found in the [About](#) section of the SFPA site.

Please visit our [Calendar](#) to find out about upcoming events.

If you're interested in joining the SFPA, information about how to do so can be found in the [Membership](#) section of the SFPA site.