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## Important Considerations for Small Firm Hiring: What Paralegals Can and Cannot Do.

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As firms grow, one question that often crosses the mind of practitioners is how to effectively and efficiently maintain sufficient staff to address the needs of their clients. With growing success comes a growing workload and many attorneys find themselves considering the important question of whether to bring on paralegals.

While a paralegal cannot engage in the unauthorized practice of law, what this actually means in everyday practice can often times be confusing. Every law firm should clearly establish the parameters of its paralegal's role in the firm. Local bar associations and professional responsibility guidelines can be invaluable tools for establishing firm guidelines. Once the firm policies have been well defined, a new paralegal hire may be a highly productive and cost-efficient way to address the firm's growing needs.

### 1. What a Litigation Paralegal Cannot Do

#### *A Paralegal Cannot Give Legal Advice*

No matter how well a paralegal may be versed in a specific legal issue, or how many times a paralegal has dealt with a particular legal matter, a paralegal should never directly advise a client. This is a responsibility that must be reserved for the representing attorney. The attorney has the training to recognize and address differences that exist from case to case.

#### *A Paralegal Cannot Sign Legal Pleadings or Documents*

Paralegals cannot sign pleadings to be filed with a Court, nor can they sign legal documents on behalf of the attorney.

### 2. What Paralegals Can Do

#### *Trial Organization*

A case in litigation, no matter how simple or complex, takes a lot of preparation to be ready for trial. A paralegal is a very valuable resource for effectively managing and organizing discovery. This is usually a time consuming task, but it is immensely important in any litigation practice.

In addition, it can be an invaluable resource to have an employee that is intimately familiar with a particular court's local rules and preferences. This task can actually be quite extensive and involves everything from knowing courthouse personnel, the layout of the courtrooms, the technology offered in courtrooms, and how the particular court handles things such as pre-trial hearings and motions in limine. These time consuming tasks are easily performed by a paralegal and amount to a valuable service.

#### *UCC Filings & Searches*

Whether at the beginning of a transaction or at the end, most corporate deals require intimate knowledge of UCC databases. Paralegals can be given a good deal of autonomy with respect to the UCC, as they can conduct UCC title and lien searches to discover whether any assets or entities are subject to liens or outstanding judgments owed to creditors, as well as filing UCC financing statements at the conclusion of the transactions to ensure that the new creditors' interests are protected.

#### *Signature Pages*

Though they may seem mundane, the compilation and circulation of signature pages in an accurate and timely manner is critical to closing a transaction. Moreover, it is not uncommon that new agreements that need to be executed are oftentimes added on the eve of closing. Paralegals are can be invaluable, as they can oversee distributing the signature pages to the myriad of parties for execution, while the attorneys can focus on revising the substance of the documents.

#### *Closing Sets*

Once the deal has closed, the work is still not done. Executed agreements need to be organized and compiled into binders that are mailed to the clients. When the deals include multiple parties with hundreds of agreements, including exhibits and schedules, this can be an overwhelming task. Fortunately, paralegals can orchestrate compiling the closing sets with minimal attorney involvement.

In a dynamic legal environment, where clients are increasingly more cost-conscious, paralegals can be an invaluable resource that can allow firms to deliver excellent legal product, while at the same time keeping the costs low. Formerly, many of the responsibilities that paralegals currently shoulder were done by junior attorneys in a big firm setting. Today, however, with the increasingly downward fee pressure, firms that want to maintain their clients need excellent paralegals who can do the work in a cost effective manner, while still delivering excellent work product.