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## CHAPTER ONE

# Introduction to the Paralegal Career

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### 1. OVERVIEW

Chapter 1 serves as an orientation to the course and to the entire paralegal field. The chapter:

- Identifies the major players in the creation and further development of the field
- Answers some of the most commonly asked questions about paralegals
- Provides a historical overview of paralegals

In the following pages, you will find a series of class ideas you may want to consider in teaching Chapter 1 and other aspects of the course. Some of these ideas overlap. They are not presented in a suggested order; they are simply a potpourri of ideas, some of which may be helpful to you as you prepare your lectures for Chapter 1 and later chapters.

## 2. TWO TRUTHS AND A LIE

The exercise “Two Truths and a Lie” can be useful to learn more about the students, to have them learn more about each other, and to start encouraging them to participate in class. Here is how the exercise works.

- Tell the class that they should identify three facts about themselves that will help introduce them to the rest of the class.
- Two of the facts will be true, and one will be false.
- After each student lists his or her three facts, the rest of the class will vote on which fact is the lie.

You should also join the fray. Tell three facts about yourself and let the students vote on which fact is the lie.

Here is how one teacher describes the value of this exercise: “As a result of this exercise, the students are immediately interested. I learn things about them that might not otherwise come up, so I can connect with them. Because I [now] know unusual things about them, I learn their names more quickly and can establish interest in them as individuals, which is conducive to a good learning environment” (Gail Hammer, *Introductions*, The Law Teacher, p. 5 [Spring, 2004]). For more on the exercise, type “two truths and a lie” in Google, Bing, or Yahoo.

## 3. PRECOURSE SURVEYS

Another idea for obtaining information about the students is to give them a short survey that will cover their present frame of mind. Why have they decided to enter this field? What prior experience have they had? What are their expectations? The director of the paralegal program may know the answers to many or all of these questions, but the teacher of the introductory course may not.

You should consider using the following Precourse Survey or a similar form to obtain such information. If you use this form, photocopy the questions (a through g) and ask the students to fill out the form during the first class. Or ask them to fill it out at home and hand it in to you at the beginning of the second class.

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### Precourse Survey

To help us learn more about you, please answer the following questions:

**a. Describe your prior work experiences with attorneys, if any.**

(continued)

- b. What is your definition of a paralegal?**
- c. Describe what you hope to be doing in your career in ten years.**
- d. When this course is over, what do you hope to have learned or accomplished?**
- e. List the main doubts or questions that you have about the paralegal field.**
- f. Describe what you think the relationship between a paralegal and an attorney should be.**
- g. What do you think of the current level of lawyer bashing in the media?**

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Use the information from this survey to try to identify patterns of information about the students:

- What are their major misconceptions about paralegals?
- Is there a disparity of work experience among your students? A similarity?
- What can you tell about their writing ability from the brief answers provided on the form?
- What about their ability to follow instructions? Have they answered the questions that were asked?

You may learn that some of the students have misinformation about the course and about the paralegal field. This might be quickly cleared up in your introductory lectures. Other data that

you learn from or about the students may call for more drastic steps, e.g., splitting up the class into sections or arranging counseling sessions with individual students.

Here is another Precourse Survey form for your consideration. Using a somewhat different format, this survey more directly addresses some of the big issues in paralegalism. Asking the students to fill it out and then briefly discussing it could serve as a preview of what is to come in the remainder of the course. You might want to consider giving this survey twice: once at the beginning of the course and again at the end.

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### **Precourse Survey**

Read each statement and circle your reaction to it.

- a. Paralegals should be licensed so that they can deliver legal services directly to the public, independent of attorneys.**

Strongly Agree   Somewhat Agree   Somewhat Disagree   Strongly Disagree   Not Sure

- b. All paralegals should be required to take and pass an examination on state and federal law.**

Strongly Agree   Somewhat Agree   Somewhat Disagree   Strongly Disagree   Not Sure

- c. The unfavorable image that the public has of attorneys is unfair to attorneys.**

Strongly Agree   Somewhat Agree   Somewhat Disagree   Strongly Disagree   Not Sure

- d. A paralegal should be allowed to tell his or her spouse about cases the paralegal is working on at the office.**

Strongly Agree   Somewhat Agree   Somewhat Disagree   Strongly Disagree   Not Sure

- e. Finding the paralegal job you want will be relatively easy.**

Strongly Agree   Somewhat Agree   Somewhat Disagree   Strongly Disagree   Not Sure

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### **4. CAN YOU FOLLOW DIRECTIONS?**

At the beginning of Chapter 1, the students are asked, “Do you know what time it is?” The exercise is designed to teach an important lesson about precision in the law. A comparable exercise is called How Well Can You Follow Directions? To find the instructions for this exercise, type “Can You Follow Directions?” in Google, Bing, or Yahoo. Photocopy and distribute the one-page instruction sheet. Give the students three minutes to complete the exercise.

As you will see, the first instruction is: “1. Read everything carefully before doing anything.” Most students read this instruction very casually—in fact, too casually. Failure to follow instruction 1 causes lots of trouble, but the students won’t realize this until they complete the exercise.

## 5. IDENTIFYING COURSE REQUIREMENTS

The students obviously need to be told about course requirements. Specifically, what will they have to *know* and what will they have to be able to *do* after completing this course? Your answers to these questions should be announced to the class and presented within your syllabus. (See earlier discussion in this instructor's manual on knowledge competencies, skill competencies, and competency-based education.)

You might consider drafting a sample final examination now that will embody all or most of the competencies you will be requiring. Perhaps you could show the students this exam at the beginning of the course to give them an idea of the direction of the course. It is also a useful planning device for the teacher.

## 6. REALITIES: BECOMING A PARALEGAL IN TODAY'S MARKET

The following four somewhat bold statements about the realities of becoming a paralegal in today's market should be dealt with somewhere in an introductory course. You might consider (a) photocopying them for the students or (b) writing them on the board. Use the statements as lecture themes in which you provide your comments on each of the statements. This could be done in one class and/or throughout the course at various times. Your lecture should cover what the statements mean, whether you and the students agree with the statements, and what the students need to do in light of the statements.

### Realities: Becoming a Paralegal in Today's Market

- The media have given you a distorted image of the practice of law.
- Your grammar and spelling skills are not yet adequate.
- Computers are going to dominate your life.
- Competition for jobs is going to be keen.

## 7. INFORMATION VERSUS THEMES

There is a great deal of information in *Introduction to Paralegalism*. You should consider making an announcement such as the following to the class:

During the course, you will be exposed to many facts about paralegalism, such as the percentage of paralegals who work at different kinds of law offices and the websites of major paralegal resources. You will not have to memorize such facts, but we want you to be exposed to them so that later in your career you will know where these facts exist in your text. For this course, focus on the broader picture. You must know and understand every major theme covered in the course, but you do not have to memorize all of the facts and details that will be presented along with these themes.

Of course, if you make such a statement, you must back it up by identifying what themes you consider important.

## 8. AN IDEA FOR A FINAL EXAM QUESTION

Here is an idea for a question you may want to include on the final examination. If you use it, you should consider telling the students now that this is one of the questions that will be on the

final. It should get them thinking about some of the major themes of the course and encourage conscientious note taking in class and from the textbook. Here is how you could introduce this idea at the beginning of the course:

So that you can start thinking about the final exam now, here is one of the major questions that you will find on the final exam:

You have just been nominated for the presidency of the paralegal association in this state. You must now stand before seventy-five delegates at the annual convention of this association and tell them why you should be elected president. Write a speech in which you address the following themes:

- a. Your view of the main problems that now face paralegalism
- b. Your view of the future of paralegalism
- c. Your view of what the relationship should be between organized paralegals and bar associations
- d. Your plans, if elected president, to enhance the status of paralegals and to contribute to the goal of reducing the cost of legal services to the public

Read this question to the students now so they can start thinking about it as soon as possible. (You will note that Assignment 15.7 at the end of Chapter 15 covers the theme of this final exam question.)

## 9. ORGANIZE A PARALEGAL ASSOCIATION

The following idea for structuring a substantial part of the course is related to, but not necessarily a part of, the idea just presented on the examination question. Ask the class to assume that there is no paralegal association in this city. You recently placed an ad in the paper that said:

### **Paralegal Association Needed**

Interested in helping to form a paralegal association for our city? If so, please attend an organizational meeting at \_\_\_\_\_.

In the blank space, insert the name and address of the building where you are teaching this course. Assume that everyone now in the class has responded to the ad and has come to the organizational meeting mentioned in your ad. Conduct the course (or as much of it as you deem effective) as if the students are at this meeting and a series of follow-up meetings that coincide with the number of class sessions for the course. In effect, you will be role-playing the birth and development of a paralegal association throughout all, most, or at least a small part of the course.

At the first organizational meeting, one of the first tasks is to identify important topics in the field. Examples:

- Why we need to organize
- Our relationship to the bar associations
- Licensure and certification
- Finding employment
- Career ladders
- Affiliation with NFPA or NALA, or remaining unaffiliated

- Membership surveys on compensation and benefits
- Paralegal ethics

Pick whatever topics you feel are important. They should be the themes that you will want to cover in the course, even if you do not use this association idea. Write them on the board and discuss each of them. Then do things a paralegal association would be likely to do:

- Have general, open-meeting discussions on the topics.
- Invite guest speakers to come to the class to address the topics.
- Break the class into small committees, with each committee being responsible for discussing a topic and reporting back to the entire group later.

If you use the committee idea, tell each committee to approach its topic as follows:

- List the most important issues within the topic.
- Read whatever you can about these issues in the textbook.
- Talk with anyone easily available in the city/county about the issues.
- Research the topic on Google, Bing, or Yahoo (see also the Internet sites at the end of each chapter).
- Give an oral information report to the class on each issue.

Of course, one of the things an association does is vote, so frame as many issues as possible in the form of questions to be voted on. Or, more specifically, instruct the committees to come up with “vote-able” propositions. They should take votes within their committees, and they should bring propositions to the class—the paralegal association—as a whole for voting.

If you do not want to assign committees in this way, you could still use some of these steps to organize your own presentation of the issues to the class, e.g., treat the entire class as a committee of the whole in covering and voting on some of the topics you will be examining in the course.

## 10. THE MAJOR PLAYERS

Chapter 1 introduces the students to the major institutional players in paralegalism—the Big Six:

- NFPA
- NALA
- NALS
- ABA Committee (SCOP)
- Your state bar association
- Your local paralegal association

Other groups could also be added to this list as indicated in the chapter:

- AAFPE (American Association for Paralegal Education)
- IPMA (International Practice Management Association)
- ALA (Association of Legal Administrators)
- AAPI (American Alliance of Paralegals, Inc.)

During the course, let the students know what positions these organizations have taken on various issues such as entry-level certification and licensing. Of course, each of the organizations may not have a different position on every issue of paralegalism. Some of the organizations may have no position on certain issues. Nevertheless, it is useful to think in terms of institutional perspectives whenever they exist. If for no other reason, this will help the students better understand particular organizations. More broadly, it will help the students better understand the interrelationship among the organizations and hence better understand the entire field.

You may want to use the “major players” theme in a more structured way. Divide the class into six groups. (If you added to the Big Six list, divide the class into whatever number of major players you have identified.) Whenever you discuss an important paralegalism issue in class, ask the groups to find out whatever they can about the position taken, if any, on that issue by the organization to which they have been assigned. They can report back to the entire class during a later class session. Ways for them to find out include the following:

- Read the textbook
- Call the organization, if practical
- Call a member of the organization, if practical
- Check the organization’s Internet site, if one exists
- Do an Internet search for articles, websites, discussion group threads, etc.
- Check back issues (if you can make them available in the library or your office) of *Paralegal Today*, *Facts & Findings* (the newsletter of the National Association of Legal Assistants), *Paralegal Reporter* (the newsletter of the National Federation of Paralegal Associations), or the newsletters of your state and local paralegal associations. You might want to rotate the students among the various organizations so that they are pursuing information about different organizations throughout the course.

## 11. WEBSITES OF THE NATIONAL PARALEGAL ASSOCIATIONS

Exhibit 1-1 refers to the three major national paralegal associations:

NFPA: National Federation of Paralegal Associations

NALA: National Association of Legal Assistants

NALS: The Association of Legal Professionals

If you have access to the Internet in class, you should consider giving the students a tour of these sites early in the course. By tour, I simply mean clicking the various options available from the home pages and making brief comments on what appears on the screen. The options include:

- Continuing legal education (CLE) offerings
- Employment leads
- Position papers

Depending on the size of your class (and the size of your monitor), you could simply have about ten students stand behind you and look at the screen as you click through the various features of the NFPA and NALA pages. You may have to do this more than once.



It is true that the students won't understand all the resources that are available to them on these web pages. But it is not too soon to get them started. You can point out that many of the references you will be making during the tour will be made clearer later in the course. For now, the goal is simply to introduce them to what these associations have to offer. If you can't conduct the tour in class, find out if it can be done in one of the local libraries. If this is not possible, encourage the students to take a browsing tour on their own.

## **12. LOCAL RESOURCES AND EVENTS**

You should prepare a local resource sheet on which you provide some information and on which the students can insert information found in the text. Each student should have such a sheet at the beginning of the course. It should contain the following information:

- The address of every paralegal association in the state (see Appendix B as a starting point; make any needed corrections for your state)
- The address of every bar association in the state (Appendix B) and the name of every bar association committee that is involved with paralegals
- Paralegal membership dues (student rates, if available)
- The name and address of the state and local civil service/personnel offices (Appendix I)
- The name and address of every employment agency in the city or state that covers paralegal employment (you can add a disclaimer that you are not recommending any of these agencies, and let the students know that they will be discussed when Chapter 2 is covered)
- The name and address of every government depository library for your area of the state (for the list in your state, see [www.gpo.gov/libraries](http://www.gpo.gov/libraries))
- The dates of relevant conferences and seminars, if any, scheduled for the coming year in your city or state by any of the following:
  - Local paralegal associations
  - National Federation of Paralegal Associations
  - National Association of Legal Assistants
  - NALS
  - Association of Legal Administrators
  - Local bar associations

On conferences and seminars, add a statement that you are not requiring attendance, that the topics covered are often at an advanced level, and that attendance can be very expensive.

## **13. "DAY IN THE LIFE OF"**

Chapter 1 introduces the student to different categories of paralegals:

- Employee of attorney (traditional paralegal)
- Self-employed individual who works for attorneys (independent contractor)
- Self-employed individual who provides services directly to the public (independent contractor)

At different times during the course, you might want to invite a paralegal from each of these categories to your class to give a fifteen- to twenty-minute presentation about a typical workday and to answer questions.

For the first category (employees of attorneys), you might want to bring in paralegals from several subcategories to speak individually or as part of a panel, including employees of:

- An attorney in a very large law firm
- An attorney in a moderate-size law firm
- An attorney in a small law firm
- A corporate law department
- A legal aid society
- The federal government
- A state government
- A local government
- An attorney in the office of a public defender
- An attorney in the office of a prosecutor

They could come on separate class days—individually or in small groups—or you might set aside one or more entire class sessions for them. Help the students identify the kinds of questions they should ask the guests. Examples:

- How they are supervised
- How they got their job
- Their biggest frustration
- What things they learned in school that proved to be invaluable

Also consider bringing in employers (attorney supervisors) of paralegals in these different categories and subcategories. They can be asked to talk about their experiences and answer questions on hiring and supervising paralegals. If, however, you bring in a paralegal and his or her supervisor on the same day, the supervisor is likely to dominate the discussion, and the paralegal will be hesitant to say anything that is not laudatory of his or her supervisor.

If possible, videotape the presentations by paralegals and attorneys so that you can reuse them when the course is offered again.

#### **14. LAW AND LAWYERS IN THE MEDIA**

In several places at the beginning of the textbook, there is a discussion of law and lawyers in the media. You should examine this theme early in the course. The public has a distorted view of law and the legal profession from their portrayal in the media. The focus of the media is on the sensational case that consumes a great deal of lawyer and courtroom time. The day-to-day life reality is otherwise. Ask the class what images it has of lawyers and judges from their portrayal in movies and on television.

Discuss the “*CSI* effect” (sometimes called the “*CSI* syndrome”), particularly if *CSI* is still popular on television. *CSI* (crime scene investigation) is one of many popular television programs that emphasize the role of forensic science (e.g., DNA testing) to help solve crimes. The *CSI* effect raises the expectations of some viewers of the value of so-called scientific

evidence. Some prosecutors have complained that it is harder to obtain convictions from jurors who become impatient with the failure of the prosecution to act like detectives and prosecutors on *CSI* (see [en.wikipedia.org/wiki/CSI\\_effect](http://en.wikipedia.org/wiki/CSI_effect)). Even though not many of your students will work in criminal law, this issue is worthy of discussion because of the overall impact the media have on the practice of law.

## 15. PARALEGALS IN THE MEDIA

Ask the class the following questions:

- Has anyone ever seen a paralegal referred to on television or in the movies?
- Has anyone ever seen a paralegal referred to in a newspaper, magazine, or novel?
- If so, in what context?
- What image of the paralegal field was portrayed?

It will be important to clear up any misimpressions that the media may have provided about the paralegal profession.

Run these searches in Google, Bing, or Yahoo:

- paralegals in media
- paralegals TV
- paralegals movies

(Ellen DeGeneres was once a paralegal?)

Also:

- Internet Movie Database

[www.imdb.com/search](http://www.imdb.com/search)

(type *paralegal* as a keyword search)

## 16. WHAT'S A PARALEGAL?

For fun, you might want to tell the class what happened when some elementary school students were asked what a paralegal was. Here are some of their answers. A paralegal is:

- A person driving fast
- A black, blue, yellow, and orange eagle
- Someone breaking out of jail
- Someone who doesn't litter
- A paragraph
- A parachute
- Something "leagle" to do
- A law illegal for kids
- Something in Paris
- Two lawyers

See Tina Brewster, What Is a Legal Assistant? p. 6, *Facts & Findings Career Chronicle* (1996).

## 17. ARE WE A PROFESSION?

The word *profession* is used very loosely by many people. Ask if anyone has ever studied the sociology and/or history of professions. What is a profession? Few would disagree that the following fall into the category of profession: lawyer, doctor, minister. Generally, a profession is a group with the following characteristics:

- Extensive training or education
- A recognizable set of standards governing conduct of the group
- A relatively long history or tradition during which the group has been recognized as a profession

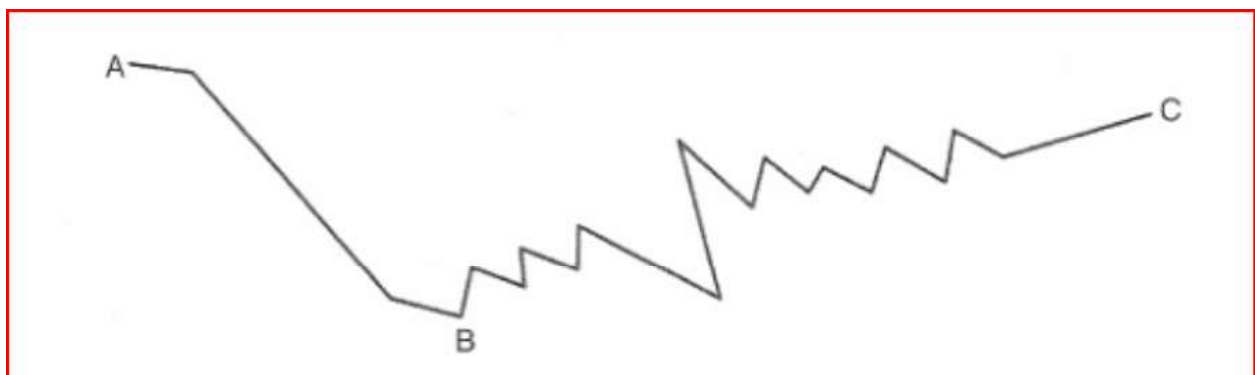
In this narrow sense, there are very few professions in our society.

Many groups would like to call themselves profession, such as engineers, accountants, city managers, journalists, pilots, and cosmetologists. The word *professional* is even more loosely used. Sometimes it is narrowly used to refer to individuals within the three traditional professions. Other times, it simply means someone who is compensated. A professional player is someone who is paid, someone who is not an amateur. Also, the word *professional* often refers to someone who is able to produce a high-quality work product. In the vernacular, such a person is referred to as a “real pro.” It is common to hear this description of selected individuals within almost every legal (and illegal) occupation. Another view is that a professional position is any job that calls for intellectual as opposed to physical skills.

Tell the students that in the law, a word may have different meanings depending on the context in which it is used. The meaning of the words *profession* and *professional* may depend on whether we are talking about tax laws, civil service laws, immigration laws, overtime compensation laws, etc. As we will see in Chapter 4, paralegals are not considered “professionals” within the professional exemption for overtime compensation. This means that they must be paid overtime compensation for work over forty hours a week.

## 18. STP: SURVIVING THE PLUNGE

Draw the following diagram on the board:



Explain the chart as follows: Whenever we start something new, we have high expectations; we are highly motivated; we have a promising vision of change, challenge, and accomplishment. We are at point “A” in the diagram. This is true of any new venture:

- Starting a new career
- Starting a new job
- Starting a new project
- Starting a new personal relationship

Then, for most of us, something happens: We take a plunge down into reality. This is point “B” in the diagram. We begin to see that there are some small holes in our dreams. The plunge is almost inevitable because it is nearly impossible for reality to fully match our initial expectations. The job, the career, the project, the new person could not live up to our high hopes. When we began at point “A,” we had some unrealistic expectations.

The next phase is the onset of maturity. We start climbing out of point “B” and up toward point “C” as we try to get back on track. It can be an arduous climb. Lots of hard work is needed. There are occasional or frequent setbacks. The climb may not be glamorous. A great deal of stick-to-itiveness is required. Thoughts of quitting and self-doubt are common during this period. Success can be slow. A lot of discipline is required. Those who succeed in the new career, job, project, or relationship are those who have:

### Survived The Plunge (STP)

Your students are about to start a new adventure in their lives. Your course will probably be their first significant exposure to legal education and the field of paralegalism. They may need to understand the STP dynamic of human nature.

## 19. LAWYER BASHING

At some time during the course, you will need to comment on the lawyer-bashing themes that are covered in the text at the beginning of Chapter 8. There is nothing new about lawyer bashing. See the quote at the end of Chapter 1 from a 1770 Census Report to King George III that there were no lawyers in the county “for which fact we take no personal credit but thank an Almighty and merciful God” (Thomas Brown, President’s Page, 19 *Virginia Bar Association Journal* 2 [Winter, 1993]). To bring the bashing theme up to date, you may want to read the students the following account:

“An eyebrow-raising example of the declining reputation of trial lawyers is that in mid-June, members of the American Medical Association (doctors who have no official compunction about treating murderers) debated whether to withhold medical treatment from trial lawyers and their spouses.” The resolution was eventually withdrawn. Alicia Mundy, Empty Suits, p. 68 *Legal Affairs* (September/October 2004)

If you decide to cover the lawyer-bashing issue early in the course, you may want to have the students read the Chapter 8 material on this theme now. (See beginning of Chapter 8.)

## 20. FILMS WITH ATTORNEY THEMES

Some teachers like to show a movie in class that illustrates points they wish to make about the legal system, attorneys, and the practice of law. There are several lists of relevant movies you should check:

Law in Popular Culture  
[tarlton.law.utexas.edu/exhibits/lpop](http://tarlton.law.utexas.edu/exhibits/lpop)

Law Library Movie Collection  
[libguides.law.stetson.edu/lawlitfilm](http://libguides.law.stetson.edu/lawlitfilm)

Internet Movie Database  
[www.imdb.com/search](http://www.imdb.com/search)  
(type *attorney* as a keyword search; do a separate keyword search for *paralegal*)

## 21. INTRODUCTION TO THE ASSIGNMENTS

There are two categories of assignments at the end of every chapter in the book. First, there are assignments that directly pertain to the material in the individual chapters. Second, there are core-skills assignments that are much broader. They cover topics that pertain to every chapter, and, indeed, to one's entire career as a student and as a practicing paralegal. The latter assignments are extremely important. In a sense, no one can succeed as a paralegal without achieving success in these assignments.

## 22. ASSIGNMENT 1.1

The money difference between the two jobs would probably be a deciding factor for persons already employed who are contemplating a job switch. Maybe less so before the students have obtained their first job.

Ask the students what they think of the title, legal technician, which is gaining considerable attention because of the Limited License Legal Technician (LLLT) in Washington State. A major reason for the shift from *legal assistant* to *paralegal* is prestige. What if a title was for a position that was licensed?

## 23. ASSIGNMENT 1.2

(a) The federal statute requires the loser to pay attorney fees of the winner, including paralegal fees. This is to encourage private parties to bring suits under the Civil Rights Act. Regardless of who pays, the use of paralegals brings down the cost of legal services because if the paralegal were not available to perform certain legal (nonclerical) tasks, the attorney would have to perform them. The attorney would charge higher rates for such tasks. Having paralegals perform them at lower rates, therefore, brings down the total cost of legal services for litigation. This would be true even if the losing party were not forced to pay the fees of the winning party.

(b) Here is what Rehnquist said (491 U.S. 274, 295, 109 S. Ct. 2463, 2469):

Chief Justice REHNQUIST, dissenting.

I do not agree with the Court's approval of the award of law clerk and paralegal fees made here.

Title 42 U.S.C. § 1988 gives the district courts discretion to allow the prevailing party in an action under 42 U.S.C. § 1983 "a reasonable attorney's fee as part of the costs." The Court reads this language as authorizing recovery of "a 'reasonable' fee for the attorney's work

product,” ante, at 2470, which, the Court concludes, may include separate compensation for the services of law clerks and paralegals. But the statute itself simply uses the very familiar term “a reasonable attorney’s fee,” which to those untutored in the Court’s linguistic juggling means a fee charged for services rendered by an individual who has been licensed to practice law. Because law clerks and paralegals have not been licensed to practice law in Missouri, it is difficult to see how charges for their services may be separately billed as part of “attorney’s fees.” And since a prudent attorney customarily includes compensation for the cost of law clerk and paralegal services, like any other sort of office overhead—from secretarial staff, janitors, and librarians, to telephone service, stationery, and paper clips—in his own hourly billing rate, allowing the prevailing party to recover separate compensation for law clerk and paralegal services may result in “double recovery.”

The Court finds justification for its ruling in the fact that the prevailing practice among attorneys in Kansas City is to bill clients separately for the services of law clerks and paralegals. But I do not think Congress intended the meaning of the statutory term “attorney’s fee” to expand and contract with each and every vagary of local billing practice. Under the Court’s logic, prevailing parties could recover at market rates for the cost of secretaries, private investigators, and other types of lay personnel who assist the attorney in preparing his case, so long as they could show that the prevailing practice in the local market was to bill separately for these services. Such a result would be a sufficiently drastic departure from the traditional concept of “attorney’s fees” that I believe new statutory authorization should be required for it. That permitting separate billing of law clerk and paralegal hours at market rates might “reduc[e] the spiraling cost of civil rights litigation” by encouraging attorneys to delegate to these individuals tasks which they would otherwise perform themselves at higher cost, ante, at 2471, and n. 10, may be a persuasive reason for Congress to enact such additional legislation. It is not, however, a persuasive reason for us to rewrite the legislation which Congress has in fact enacted. See *Badaracco v. Commissioner*, 464 U.S. 386, 398, 104 S. Ct. 756, 764, 78 L. Ed. 2d 549 (1984) (“Courts are not authorized to rewrite a statute because they might deem its effects susceptible of improvement”).

I also disagree with the State’s suggestion that law clerk and paralegal expenses incurred by a prevailing party, if not recoverable at market rates as “attorney’s fees” under § 1988, are nonetheless recoverable at actual cost under that statute. The language of § 1988 expands the traditional definition of “costs” to include “a reasonable attorney’s fee,” but it cannot fairly be read to authorize the recovery of all other out-of-pocket expenses actually incurred by the prevailing party in the course of litigation. Absent specific statutory authorization for the recovery of such expenses, the prevailing party remains subject to the limitations on cost recovery imposed by Federal Rule of Civil Procedure 54(d) and 28 U.S.C. § 1920, which govern the taxation of costs in federal litigation where a cost-shifting statute is not applicable. Section 1920 gives the district court discretion to tax certain types of costs against the losing party in any federal litigation. The statute specifically enumerates six categories of expenses which may be taxed as costs: fees of the court clerk and marshal; fees of the court reporter; printing fees and witness fees; copying fees; certain docket fees; and fees of court-appointed experts and interpreters. We have held that this list is exclusive. *Crawford Fitting Co. v. J.T. Gibbons, Inc.*, 482 U.S. 437, 107 S.Ct. 2494, 96 L.Ed.2d 385 (1987). Since none of these categories can possibly be construed to include the fees of law clerks and paralegals, I would also hold that reimbursement for these expenses may not be separately awarded at actual cost.

I would therefore reverse the award of reimbursement for law clerk and paralegal expenses.

**24. ASSIGNMENT 1.3**

(a) 1,333.3 hours

- To earn \$40,000 a year, the paralegal would need to generate \$120,000 in billable hours for the year ( $\$40 \times 3 = \$120,000$ ).
- To generate \$120,000 in billable hours @ \$90 an hour requires 1,333.3 hours (\$120,000 divided by 90 equals 1,333.3 hours).

(b) 26.6 hours

- 1,333.3 divided by 50 equals 26.6.

(c) The firm might not be able to collect all of the hours the paralegal bills; the firm might write down some of the paralegal hours because of the unusually long amount of time the paralegal took to perform some of the tasks.

**25. ASSIGNMENT 1.4**

This exercise will be a good opportunity to let the students know how you want them to cite the Internet. The example given in Assignment 1.4 follows the format required by *The Bluebook* and *ALWD Legal Citation Guide*. You could also refer the students to the citation section of Chapter 11 covering the citation format of Internet sites.

**26. ASSIGNMENT 1.5**

Is the study of commas stimulating? No. Can comma errors in a cover letter or on a resume destroy an applicant's chance of obtaining a particular paralegal job? Yes.

If you sense any student resistance in doing this assignment, ask them to run these searches in Google, Bing, or Yahoo:

commas in the practice of law  
attorney commas

Law schools and bar associations are worried enough about comma problems that they are making online corrective resources available and are urging their use.

**27. ASSIGNMENT 1.6**

Don't wait until Chapter 11 or until students have had a course in legal research to have them begin working on legal research assignments, at least modest ones such as those found in Chapter 1 (1.6) and in the remaining chapters of *Introduction to Paralegalism*.



**28. ASSIGNMENT 1.7**

The core ethics assignments in Chapter 1 (1.7) and in the remaining chapters of the book are also modest in the sense that the students do not need to have covered ethics in order to do the assignments.

**29. ASSIGNMENT 1.8**

The importance of computers cannot be overemphasized. The students will need *a lot* of exposure to computers, both the basics and the specifics of law office computing. The CTL notebook in Assignment 1.8 will help the students start organizing resources and their thinking about computers in the law. Assignments in later chapters will refer back to Assignment 1.8.

**30. ASSIGNMENT 1.9**

To succeed in the legal world, paralegals need to know how to interact with colleagues—they need to know how to collaborate. The collaboration assignments are mainly concerned with collaboration among paralegals and between paralegals and clerical staff. Of course, paralegals also need to know how to collaborate with attorneys! A great deal of material in the book covers the attorney-paralegal team and how attorneys and paralegals can work together (collaborate) in the most effective manner possible. The core collaboration assignments are focused on collaboration among nonattorneys in a law office.

**31. ASSIGNMENT 1.10**

It would be very instructive to have a group discussion in class in which the students tell each other what titles they have found. You should try Assignment 1.10 yourself so that you will be prepared for the kinds of titles students are likely to find in your state.

**32. ASSIGNMENT 15.7**

Let the students know about Assignment 15.7 in Chapter 15. If you ask the students to do it, they should start thinking about it now.