

Paralegal:

Friend



OR FOE?

by Kathy E. Shimpock

When I was first asked to write this article, I hesitated. I've spent much of my legal career trying to figure out paralegals. Do I respect their skills or question the need for their existence? I've never decided. Certainly I am not the most politically correct person to write about this. I don't always take the standard librarian position. During those law-lib debates on "who's a librarian?," I always feel like I'm watching reruns of "What's My Line?" Eventually, I tune out. And it's not that I don't favor education. I've served as both a teacher and a student at the graduate level and appreciate all the knowledge afforded by a good education. However, as a supervisor, I have hired paralegals for library positions and strongly believe that a librarian is much more than his/her MLS. I've also been a part of the competition between law librarians and paralegals within the firm. It may be based on the salary structure. Who is paid more within the firm setting? Is it the librarian with a master's degree in charge of administration or the paralegal with a BA who probably bills more time and brings obvious revenue to the firm? There is no clear answer, especially when comparing director librarians and paralegals.

Nevertheless, my task is to examine paralegals. How do they differ from librarians and how are they the same? Are they taking positions normally held by degreed librarians? Are paralegal

librarians the result of downsizing efforts within law firms? Is this a trend? Should we worry? (Just to cut the suspense, I'll try to follow Alfred E. Newman's sentiment: "what, me worry?") In examining this issue, I looked for secondary sources and statistics to determine quantitative information. Although many articles (mostly in paralegal publications) raised the idea of the paralegal/librarian, there were no substantive discussions. Listserv messages were also posted for testimonials. It didn't take long to determine that there is little information out there. Only a handful of individuals responded to my request, so much of the following will be speculation.

Definitions

The National Association of Legal Assistants in 1984 defined paralegals as a "distinguishable group of persons who assist attorneys in the delivery of legal services through formal education, training and experience." Legal assistants have knowledge and expertise regarding the legal system and substantive and procedural law which qualify them to do work of a legal nature under the supervision of an attorney." Webster defines a librarian as "a specialist in the care and management of a library." Under these definitions, a law librarian may or may not be a paralegal and a paralegal may or may not qualify as a librarian. So what is the difference? Most law librarians have an MLS or equivalent. Some are even dual-degreed. The majority of paralegals are also college educated, with 59% having an undergraduate and paralegal degree in 1995 (the most recent date for which both paralegal and librarian data were available). For the purpose of this article, I will define a law librarian as having a minimum of an MLS and a paralegal as having no formal education in librarianship (but with an actual paralegal degree).

How many paralegals are serving as librarians within their organizations? Unfortunately, there are no statistics available. However, in 1995, the National Federation of Paralegal Associations

surveyed its members and asked how many were engaged in "performing administrative matters now considered substantive legal work." Would this include law librarianship? I don't know. But the category comprised only 0.4% of all respondents, and their average salary was \$30,148. It's interesting to note that this is close to the 1995 AALL Salary Survey, in which the median salary in a one-person library with a BA/BS was \$32,500. Obviously, not a large number of those participating in their national organizations are involved in these activities. The number of AALL members who have been trained as paralegals without an MLS is also unknown. What type of paralegal would likely be a member of a national organization? Perhaps most would work for larger firms and organizations, which would either pay their dues or provide a sufficient salary to fund individual payment. Smaller firms and other organizations are less likely to provide professional memberships or offer continuing educational opportunities.

Position on the Pyramid

Law firm consultants have persuaded firms that legal assistants reduce the cost of client services while increasing profits to lawyers. Expanding paralegal duties perpetuates a firm's traditional pyramid approach to profits. Where do librarians sit on this pyramid? Do Andersen Consulting and Hildebrandt believe librarians increase profitability or was

Baker & McKenzie the victim of some new management theory? Although some firms ousted their paralegal managers when the recession hit in the 1980s, others were given additional duties, such as serving as the firm librarian. (And what happened to law librarians? Many have obtained substantial administrative experience, with 7%

having responsibilities beyond the library, including records, MIS, and other duties.) The firm librarian positions taken by paralegals appear to be found most often in small firms and corporate law departments where a full-time librarian is not yet needed (and in some areas where library-trained independent contractors are not available for part-time work).

The firm librarian positions taken by paralegals appear to be found most often in small firms and corporate law departments where a full-time librarian is not yet needed (and in some areas where library-trained independent contractors are not available for part-time work).

Therefore, it's quite natural for paralegals in these settings to take over such library responsibilities as arranging materials, ordering acquisitions, accounting, filing, and possibly document retrieval. Many of these tasks are clerical in nature. Remember, most small libraries are not in the need of LC classification, online catalogs, or sophisticated serial records.

I was told that "even the smallest corporate law department has a law library, if only to house reference books. Usually, the task of organizing and maintaining the law library will be assigned to a paralegal. Knowledge of legal research and familiarity with legal publications and law books makes it a perfect match. More often than not, legal secretaries or paralegals that work in small law firms or in-house corporate legal departments will be given library duties. The library duties...are not technical in nature but more...general maintenance and organizing and as such do not require a library science education. Many times, the staff attorneys at these small law firms or in-house corporate legal departments do their own legal research and the services of a full-time professional librarian are not economically feasible given the small scale the library operates on."

However, as firms grow, their libraries also increase. The paralegal may then need to acquire actual librarian skills to perform his/her job well. One paralegal shared, "I can't tell you how many books I read on organizing a small law library and I know what classification schemes, cutter numbers, OCLC, etc. mean. I can also tell you about Dewey Decimal, Sears Subject Headings and Library of Congress." Most law librarians would not envy having to learn these skills on the job. I personally admire anyone who is determined to obtain those skills needed to do a job well, especially when such training is not forthcoming by an employer. This is true whether it be simple skills or learning a new computer language. None of us can rest on our current education, knowledge, and skill set.

Ultimately, some of these paralegals (by their intelligence, skills, and abilities) will obtain more substantial positions within libraries. One paralegal told me she had worked at a large firm library, having obtained her position after working as a paralegal within the firm. Starting as a

library assistant, her job duties increased until they included reference, acquisitions, and budgeting. It should be noted, however, that she worked under a professionally trained law librarian who provided many opportunities for continuing education. Another paralegal told me she received her librarian position within a corporate law department after obtaining her paralegal degree, and a third said she obtained her position within a small firm by "seeking out new assignments." She had previously worked in academic libraries as a library assistant.

However, even those paralegals who did not have previous library experience believed their paralegal training made their library duties natural, as they felt comfortable working within libraries. "Paralegal education is different from library training," I was told. "In paralegal school, through the legal research class, we become familiar with the layout of the law library and the kinds of books and periodicals and publications in the various areas of the law that we study. It is through this familiarity of law books that library duties may be assigned to us as paralegals." Many firm librarians reading this article will balk at that statement, knowing far too many paralegals who feel anything but comfortable within a law library. Yet it is my guess that most of the paralegals who end up working within a law library are the more research-oriented ones.

Research Skills

Actually some problems law librarians have with paralegals concern their research skills. Although many paralegals believe their training has prepared them for extensive legal research, many firm librarians will question this assertion. One posting on law-lib described this situation as, "I have assumptions that someone holding themselves out to be a paralegal has certain research skills and I referred her to the set of books holding the information. About 30 minutes later, after blindly gazing at the material, she thanked me and left. Other paralegals do not even know [one of the sources for local state statutes]." Generally, paralegals are required to take one research class for their degree. It is similar to the type of training provided to law students. The lack

of research skills provided to attorneys in law school is the stuff of legends (and many law review articles). It is widely recognized that these classes provide little in research knowledge and nothing in regard to actual strategy and reference skills. Those JD/MLS librarians reading this article may wish to ponder how little their legal bibliography class prepared them to serve as a reference librarian. It's fairly obvious, therefore, that taking a single class in legal research is not likely to make you a good researcher. In addition, paralegals have such diverse job responsibilities that many of them have had little library contact outside of that one class. It's not surprising, therefore, to see a paralegal come into a library with a blank stare. Certainly we should not hold our paralegal patrons up to a higher standard than we do attorneys.

With all the controversy surrounding this issue, I was interested in discovering how law librarians treated those paralegals who worked as librarians. Although I was uniformly told that law librarians had helped them enormously, some felt they were resented within the profession. One paralegal told me a story of meeting a librarian at a professional organization

Paralegals are not taking over librarian positions. There is no trend here.

and being told she was "cute" for having her paralegal degree. However, another said, "I am sure many MLS professional librarians appreciate and understand the possibility of enhanced job descriptions of the paralegal by adding library-related duties. For the most part where paralegals are assigned library duties, the in-house or small firm library is not a 'formal' library in the sense of the word as we know it. And the 'informal' libraries tend to have a small area designated as the 'law library' section of the legal department that requires normal maintenance in the sense of day-to-day shelving or routing, general organizing, or arranging of the collection."

Conclusions and Concerns

So what conclusions can we make? One paralegal insisted that "professional librarians do not need to be concerned about extinction of their profession and

Continued on page 8

Although many paralegals believe their training has prepared them for extensive legal research, many firm librarians will question this assertion.

There are many people within the legal profession who are not clear about what a law librarian is.

are valued for their extensive knowledge of library science, cataloguing and classification, and as information specialists." That's a nice sentiment but should we worry? I think it's fairly clear that paralegals are not taking over librarian positions. There is no trend here. Yet there are related issues that concern me. Many of the discussions on our listservs concern what is required to be a "real law librarian." Do we need an MLS, JD, MBA, Masters in Computer Sciences, multiple languages, various technical skills, etc.? If we within the profession share this much confusion and disagreement, then there is no way we should expect the legal profession at large to understand who we are and what we do. Early in my career as a lawyer librarian, I was introduced by someone I casually knew as a legal secretary. When I clarified that I was a law librarian, she replied, "Law librarian, legal secretary. It's all the same thing." I've never forgotten that. There are many people within the legal profession who are not clear about what a law librarian is, what our education, skills, and abilities should be and what we can do for them. If we don't work on ending this confusion, by marketing ourselves loudly and proudly, then we *are* at risk of extinction, if not

by paralegals then by MIS, the records department, or by legal consultants who no longer see our relevance. No one else can do this for us and it's long overdue. The negative stereotypes of librarians are insidious and pervasive in our culture. It will take a concerted effort of all librarians both individually and within our professional organizations to even begin to change it.

Are paralegals our friends or our foes? I think it's up to us. A long, long, time ago (not to date myself, but it was 1978) Al Coco (past AALL President and an esteemed former law library director who also tells a great story) taught me something valuable. We never know who can help us professionally (whether it be a secretary, managing partner, or janitor), so it's best to develop strong relationships everywhere. Paralegals often serve as "gatekeepers" for attorneys. One of the major problems in the firm setting is not having the opportunity to develop the professional relationship needed with those "in power." Providing quality service to every patron—whether a paralegal, an associate, or a secretary—is the best way to get the word out about you and your library. You never know who has the ear of someone important to your career.

If we don't work on ending this confusion, by marketing ourselves loudly and proudly, then we *are* at risk of extinction, if not by paralegals then by MIS, the records department, or by legal consultants who no longer see our relevance.

And finally, paralegals are not our foes but our colleagues. Those paralegals who work within libraries and learn the joys of this profession may also decide to make it their career. There is no one education or skills path that makes

a good librarian. Most of us know of excellent librarians without the "requisite" skills. Encouraging those within the profession to get advanced degrees or certification is the responsibility of librarians, library schools, AALL, and other professional

organizations. Paralegals are working within libraries today. As library schools close and library directors have difficulty filling positions with qualified individuals, we should encourage those currently working within libraries to obtain the education needed to aspire for professional librarian positions. Remember marketing our profession is much easier to those who already love working in libraries.

Kathy E. Shimpock (kshimpock@mmwww.com) is currently an attorney at Muchmore & Wallwork, P.C., in Phoenix, Arizona. She has worked as a law librarian in both academic and firm libraries and is the past president of the Arizona Association of Law Libraries. Her bi-monthly column on law librarianship appeared in *Legal Assistant Today* from 1993–1996.