

A publication
from the
ABA Standing
Committee
on Paralegals

UPdate

Note from the Chair of the ABA Standing Committee on Paralegals

Paralegals: A Crucial Component to Client Service by D. Jeffrey Campbell

Please note our new address



As of May 17th, the ABA's new address is:
American Bar Association
321 North Clark Street
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Please change your records accordingly.

Upcoming events

ABA headquarters move
May 14, 2004
Chicago, IL
ABA Standing Committee Spring Meeting
June 10-11, 2004
Vancouver, BC
ABA Annual Meeting
August 5-10, 2004
Atlanta, GA
Standing Committee and Approval Commission Joint Fall Meeting
November 12-13, 2004
Chicago, IL



An often overlooked yet critically important aspect of a paralegal's performance is the role he or she plays in ensuring high quality client service. The quality of a lawyer's client service, as distinct from the quality of the lawyer's work product, is often the determining factor in whether or not the lawyer gets repeat business or referrals from a client. Lawyers who fully and skillfully use paralegals to supplement their own efforts to achieve superior client satisfaction will be at a competitive advantage over lawyers who do not use paralegals.

One of the ways in which paralegals can elevate client service is to act as an easily accessible and consistent client contact. While attorneys are often out of the office, and therefore not immediately available to clients, paralegals normally work in the office. Therefore, a paralegal who has good oral communication skills and a working relationship with a client can often respond to client questions and concerns more promptly and effectively than can lawyers. Similarly, paralegals can prepare routine correspondence to clients, following-up on requests for information and forwarding documents for clients' review.

Of course, in order for paralegals to enhance client service

in these ways, they must possess good communication skills. It is therefore important that paralegals' academic experience prepares them for effective written and oral communication. Coursework should provide either formal training in writing and speaking or ample opportunities for written and oral presentations.

Through such experience and training, the paralegal gains the knowledge and confidence to interact effectively with clients. Paralegals with good communication skills can maintain close working relationships with clients, particularly institutional clients, for years. While associates often move from one practice area to another, leave the firm for other professional endeavors, or become partners and develop their own clientele, paralegals often service the same clients for years. Such clients develop a high degree of familiarity with and confidence in these paralegals. Thus, paralegals can and should be key members of the client service team – members who enhance client satisfaction, build client relationships, and help to secure repeat business or referrals for years to come. ♦



D. Jeffrey Campbell

Note from the Approval Commission Chair – Katherine A. Currier



Katherine A. Currier

The Approval Commission recently held its spring meeting. As many of you know, the Approval Commission meets twice a year to review applications from programs seeking initial approval and from approved programs seeking reapproval. At the April meeting, we reviewed five applications from programs seeking their initial approval but only three schools seeking reapproval. This is a far cry from prior meetings. I can recall a meeting a few years ago when the Approval Commission reviewed more than 50 applications for new approvals or reapprovals. The current respite is because of the change from a five-year to a seven-year reapproval process. We have completed the review of all programs that had been granted a five-year approval. They are now in the midst of their first seven-year reapproval cycle. However, we have already begun receiving self-evaluation reports from those programs that were the first to become subject to the seven-year reapproval period. Therefore, soon it will be back to work as usual, with the Commission reviewing 25 to 30 programs at each meeting.

In the meantime, I would like to take this moment of relative calm to review with you the current status of our approved programs. There currently are 258 ABA-approved paralegal programs. Of that number, the majority (60%) offers an associate's degree as their highest degree. And of those, about one-third also offer some sort of post-degree certificate program. Only 14% of all ABA-approved programs offer only a post-degree certificate program. Approximately 26% offer a bachelor's degree. Of those, the bachelor's degree is the only program option offered by 16

programs. The other 51 programs offer an additional option, such as a certificate, or an associate's degree, or all three. Finally, five programs (2%) also offer a master's degree. I encourage you to visit the ABA web site at www.abaparalegals.org to learn more about all our approved programs. In addition to basic program statistics, many of the programs have submitted more detailed information. If you are a program director who has not yet done so, I urge you to submit a program description for your school. You can send it to Peggy Wallace via e-mail at wallacep@staff.abanet.org but need to limit the number of words to 100.

In other news, the implementation of the new Guidelines for the Approval of Paralegal Education Programs, effective this past September, has been moving along well. Programs have reported few problems. In addition, to help both program directors and the Approval Commission members work with the new Guidelines, Teri Cannon, one of the two ABA educational consultants, has been working to update the site team visitation materials and the manual for program directors. The manual should be ready for purchase by the October AAfPE conference.

Finally, every year we see a rotation of the Approval Commission membership. It is always hard to say good-bye to Commissioners. As volunteers, they graciously give their time to attend Approval Commission meetings, to chair site visits, and these past few years, to work on the Guideline revisions. At April's

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Deciding to hire a paralegal

Views of a solo/small firm practitioner

by Bill Gibson (Clackamas, OR)



Update asked Bill Gibson, former Chair of the ABA's Law Practice Management Section, to describe the hiring and use of paralegals in his small personal injury practice in Clackamas, Oregon, 10 miles from downtown Portland. His cases come from the urban, suburban, and rural areas of Portland, and include a significant number from a Spanish-speaking and immigrant client base.

Bill shares office space with two other lawyers, neither of whom handle personal injury claims. They often refer cases to each other. Bill sends domestic relations, wills, probate, and business cases to his office partners, and the other lawyers refer PI cases to Bill. In the past, Bill had multiple offices, but now has only one. The economics and logistics of having a branch office he says, "could take up an entire article, if not a book."

Why did you hire a paralegal instead of an associate or a secretary? I started my personal injury practice twenty years ago and, at that time, I shared a secretary with two other lawyers. We had no legal assistants. I later split off from the other lawyers and hired my sister to work as my secretary. Over time, her skills improved and she became intimately familiar with my practice. She eventually began to assume higher level duties to a point where she was performing more paralegal aspects than secretarial responsibilities.

She worked for me for 17 years and when she left I hired one full time person to handle my Spanish-speaking clients and another to handle my English speakers. I did an evaluation of how we spent our time in handling cases and found that the work that absolutely

required a lawyer, such as attending depositions, arguing motions in court, and presenting cases at arbitration or trial, were a small fraction of our workload. We spent most of our time interviewing new clients, opening files (which included gathering information about the case), preparing and responding to requests for information, assisting with insurance claim-related problems, corresponding with doctors' office staff, and processing large quantities of paper such as medical records, employment and tax records, and accident reports. I decided that since the bulk of the work could be done by someone who was not a lawyer, I did not need to incur the additional salary costs and other issues that came with hiring a lawyer. I decided to hire someone who was well-organized, good with people, able to learn computer skills, able to work with our systems (and propose necessary changes) and, in the case of one of my employees, was fluent in Spanish.

How did you handle the recruitment process? I did not conduct an elaborate recruitment process. Instead, I called a former client and asked her if she spoke Spanish and if she might be looking for a job. I knew she had worked for an insurance company, so I was confident that she had good clerical and interpersonal skills. She referred me to someone who she claimed spoke better Spanish and was looking for a job. I hired that person and he has been with me for three years.

What particular skills do you always look for in a paralegal? While education and

work experience are important factors, I am also interested in more intangible qualities. I am in the business of serving people who are in some degree of distress. Some are in pain and some may not have enough money because they are having problems with their insurance company. So, aside from solid paralegal skills, I want my paralegals to have the patience to deal with our clients and all their problems, and not get frustrated or upset if clients direct their emotions at them. Paralegals who have good people skills usually have better success in working with insurance company personnel to solve our clients' problems too, which is a plus.

If you had to hire a new paralegal today, what skills would you definitely look for? If I were to replace one of my staff members or add someone new, I would look for the following skills, in addition to the ability to speak Spanish: 1. Punctuality and good work habits; 2. Creative problem solving skills; 3. Verbal ability, both orally and in writing; 4. Good people skills, including a charming personality; 5. Commitment to the job and a desire to help the little guys win.

What advice do you have for job-seeking paralegals who want to work in a small firm? Working in a small law office has little of the glitz and glamour that people might expect to find in a large, downtown firm. The atmosphere

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Deciding to hire a paralegal
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is less "corporate" and I may show up in jeans and a golf shirt if I don't have a court appearance. We don't offer any formal training programs and the only training manuals I have are ones that were published by the ABA. If you need a structured environment, you should probably consider working for a large firm, a governmental agency, or a corporate law department. If you are comfortable working with less structure, you might have fun in a



small law office. I encourage my staff to ask a lot of questions and to be persistent if I appear too busy to give them an answer right away.

Paralegals in my office also are encouraged to take on a lot of responsibility – perhaps more than they might initially feel comfortable with.

Performance is the only criteria for success. ♦

Attorney Bill Gibson may be reached at bgibson@cnmw.net

will soon begin providing copies of its weekly publication, *Bar Bulletin*, to Division members via e-mail. The Board meets quarterly in various locations throughout the state, as well as holding informal gatherings monthly in areas of concentrated membership. Keeping the Division running smoothly requires a great deal of volunteer time and effort by Board and Committee members.

Creating a Division. Becoming a paralegal division of a state bar is no small undertaking. The task requires a dedicated group of individuals willing to spend an immense amount of time and effort. The process may take years to become a reality. Some recommended steps are: survey the state's paralegal population to determine the level of interest and participation you can expect if you decide to pursue the effort; research what is happening in the paralegal profession nationwide; compare state rules and regulations regarding paralegals; contact paralegal divisions and associations of other states for information and advice; prepare your documentation and arguments; and be prepared to persist, revise, rewrite, and re-present your proposal as needed until all the obstacles are surmounted. And, last but not perhaps the most important piece of advice is to develop the support of paralegal advocates within the legal community, paralegal educators, and the state bar association who are willing to contribute their talents and time. You will not be able to do it without them. Your hard work will be rewarded with a division that represents and promotes the profession by providing a higher standard which paralegals in your state can strive to achieve. ♦

Kay Homan, a Certified Paralegal, can be contacted at khoman@wkkm.com

Notes from the Approval Commission Chair
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meeting we said good-bye to Margaret Lovig, Ron Goldfarb, and Jay Johnson. Margaret served for two terms as the American Association for Paralegal Education's (AAfPE) representative for two-year institutions. Margaret's pioneering efforts through her program's partnership with the Marines have helped pave the way for the Commission's continuing work with other branches of the military. Incredibly, Ron was able to find time to serve on the AAfPE Board of Directors and the Commission. He brought a great sense of professionalism and dedication. As he moves on this next year to the AAfPE presidency, we wish him the very best. And a special thank you to Jay Johnson, who served an unprecedented seven years on the Commission. During his tenure, Jay chaired over 50 site visits. In addition to his incredible work ethic, we will miss Jay's particular expertise in the area of distance education, his sense of humor, and his compassion. Many programs and program directors benefited greatly from Margaret, Ron, and

Jay's service on the Commission. Thank you.

As always, I welcome your questions and comments. Feel free to write or e-mail me at currierk@elms.edu. ♦

Paralegal Division of the State Bar of New Mexico: A Case Study
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also evidence shown by the survey responses of a strong desire of the respondents to have salaries and benefits reflect the education, training, experience, and certification that paralegals bring to the workplace and for some type of State regulation, licensing or certification, either voluntary or mandatory. The results of the survey are posted on the Division's web site at www.nmbar.org under the "Paralegal Division News" section.

Publications. The Division publishes a newsletter, "FOCUS," two to three times a year containing articles of interest to the profession, reports of committee activities, and practice tips for members. The members also receive communication electronically (web page and e-mail) regarding important information between issues. In addition, the State Bar

Life as a corporate paralegal

*Q&A with Kathryn Kullman
of Pfizer (Deerfield, IL)*

Describe your company, your position, and the kind of work you do as a paralegal.

Pfizer is a pharmaceutical company headquartered in New York. The Legal Department includes many areas including antitrust, business transactions, consumer health, corporate compliance, corporate environment, litigation, employment, global security, intellectual property, and regulatory, to name a few. Members of the legal department are located throughout the world. I work as a litigation paralegal as part of the litigation group, which includes 12 litigation attorneys and 13 paralegals. I work with one attorney and we handle product liability claims and lawsuits relating to certain products.

What is your career background and how did you prepare for your current position? Before entering the legal environment, I worked as an accredited record technician in a hospital. When it was time for a career change, I went back to school for a bachelor's degree in legal administration and also received my paralegal certification from Mallinckrodt College (now Loyola University Chicago). Because of my past experience with hospitals and medical terminology, I accepted a paralegal position with an insurance defense law firm that specialized in medical malpractice and product liability cases. I worked at that firm for 11 years. Working in a law firm, I believe, is

the best experience for learning the legal system and understanding how a case develops from the time it is filed until trial.

What particular skills are essential for the kind of paralegal work that you do? You need great organizational skills and enormous flexibility.

Priorities seem to change constantly. Having some knowledge of diseases and medical terminology also is a big plus, especially in the pharmaceutical industry.

Looking back, what kinds of courses do you think would be especially helpful additions to the usual paralegal educational curriculum to make it more practical or relevant? It's been awhile since I attended school, but I would have found some type of internship at a law firm, perhaps for two or three months, very helpful. "Hands-on" experience is really invaluable, and the best way to learn.

In your current position, what level of interaction do you have with in-house attorneys and others in your company? Paralegals in Pfizer's litigation group work with an assigned attorney and whatever product/matter that attorney is assigned to. I work directly with one attorney who is Senior Assistant General Counsel and we handle product liability matters (lawsuits and claims) for certain products. Depending on



the type of lawsuit, there could definitely be interaction between litigation and other de-

partments, such as regulatory or marketing. Often the expertise of several groups is required to handle the matter or issue. We also are in contact with consumers who file a claim due to an alleged adverse reaction from one of our products. Contact with our outside counsel about witnesses or discovery happens almost daily.

Are you involved in hiring or interviewing other paralegals in your department? If so, what qualities do you look for in candidates (educational background, work experience, etc.)? I am involved in interviewing other paralegals only if they would be working for the attorney that I work with. In searching for a good candidate, education is important, but I am most interested in their work experience, the specific responsibilities they had, and if they are able to use their initiative.

What are the differences between working as a paralegal in a law firm vs. a company/corporation? There are quite a number of differences between working in a law firm vs. working in a corporation. The law firm environment concen-

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Comments and proposed articles should be directed to wallacep@staff.abanet.org

Paralegal Division of the State Bar of New Mexico: A Case Study in the Pursuit of Professionalism

by Kay L. Homan, CP (Santa Fe, NM) – Chair, Paralegal Division, State Bar of New Mexico

Update asked Kay Homan, one of the charter members of the State Bar of New Mexico's paralegal division, to describe the division's start-up efforts and their current work.

The Paralegal Division of the State Bar of New Mexico, formerly known as the Legal Assistants Division, was created by the New Mexico Supreme Court and was formally organized in 1995 to serve the needs of legal assistants/paralegals throughout the state. The specific stated goals of the Division are: (1) to encourage a high order of ethical and professional attainment; (2) to further education among its members; (3) to carry out programs within the State Bar; and (4) to establish good fellowship among Division members, the State Bar of New Mexico, and the members of the legal community.

The Division's governing body consists of a Board of 11 Directors. The Board includes a Chair, Chair-Elect, Secretary, Treasurer, and the Immediate Past-Chair and six directors of alternate two-year terms. The Board meets at least quarterly to supervise the affairs of the Division.

To qualify for membership in the Division, a paralegal must meet the education or certification criteria and the experience criteria of Rule 24-101A NMRA 2004 of the Rules Governing the New Mexico Bar. Members must earn 15 hours of continuing legal education ("CLE") each year, including one hour of ethics to maintain membership in the Division. The Division is currently the only statewide professional organization for New Mexico paralegals and is one of only a few (less than 5) paralegal/legal

affiliations that is a division of its state bar.

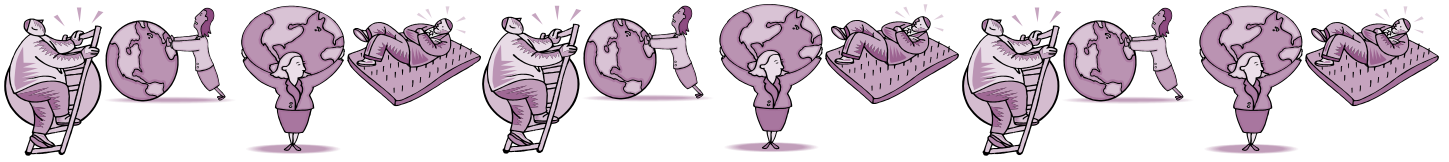
History of the Paralegal Division. In 1989, a small group of paralegal/legal assistants collaborated to work toward creating a voluntary paralegal/legal assistants division of the State Bar of New Mexico to further the professional status of paralegals/legal assistants in the state. The initial proposal was presented to the Board of Bar Commissioners ("BBC") in 1990 and subsequently presented to the New Mexico Supreme Court. Supreme Court Chief Justice Gene Franchini recommended that the New Mexico Alliance of Professional Paralegals, Inc. ("Alliance") be formed as a precursor to the Division. The Alliance existed for five years with a focus of obtaining support from paralegals/legal assistants and the legal community statewide.

Several events during that time period contributed to the advancement of the profession and added support to the Alliance's efforts. In 1991, the United States Supreme Court opinion in *Missouri v. Jenkins* held that substantive work by legal assistants could be billed at market rates. In 1992, the American Bar Association's definition of legal assistants was adopted into law in New Mexico. And in 1993, New Mexico Senate Bill 804 ("SB 804"), relating to the regulation of legal assistant services, was introduced in the legislative session.

Although SB 804 was tabled in committee, the State Bar subsequently appointed a series of *ad hoc* study groups to investigate regulation and the feasibility of a division of the State Bar for legal

assistants. The Division's feasibility *ad hoc* group gave a positive recommendation to the BBC in 1994. Arturo Jaramillo, the then President of the New Mexico State Bar, recommended that an independent committee be established to determine how legal assistant affiliation within the State Bar could be accomplished and directed that a statewide comprehensive survey of legal assistants be conducted. A symposium was held on June 25, 1994, to compile the results and the final committee's work was presented to the BBC, which voted unanimously to recommend the creation of a legal assistants division to the New Mexico Supreme Court. Michael Bustamante, an Albuquerque attorney and now a New Mexico Court of Appeals judge and one of the Alliance's greatest advocates, made a final presentation to the New Mexico Supreme Court. The New Mexico Supreme Court, by order dated February 7, 1995, amended Rule 24-101(B) NMRA of the Rules Governing the New Mexico Bar, thus creating a division of the State Bar of New Mexico for legal assistants effective immediately. Its goal having been accomplished, the Alliance voted to dissolve and to devote the members' energy to the Division; and on August 26, 1995, the Division's organizational meeting was held and its first slate of officers and board members was elected.

The Division Today. The Division has continued to actively pursue its goals by conducting continuing legal education programs, providing *pro bono* opportunities for members and



positively interacting with the State Bar and the legal community. It has also strived to keep abreast of trends in the paralegal profession. In furtherance of its goal of promoting professionalism, the Division submitted a proposal to the BBC in 2003 to change its name from the Legal Assistants Division to the Paralegal Division in recognition of the evolving distinction between the terms "legal assistant" and "paralegal." The BBC ratified the Division's proposal and the Division then petitioned the New Mexico Supreme Court to change the name of the Division and revise pertinent rules. The Supreme Court approved the Division's name change in September of 2003, published the remaining revisions in November of 2003, and after a 30-day comment period, adopted the amendments and new rules requested by the Division on January 30, 2004. Highlights of the amended and newly adopted rules include: (1) a new definition recognizing the trend in the legal profession toward the use of the designation "paralegal" to identify highly-trained, highly-skilled legal support staff who engage in substantive legal work; (2) a definition of "substantive legal work"; (3) the establishment of minimum standards for calling oneself a "paralegal"; and (4) discouragement from using the title "paralegal" by those not qualified and by attorneys disbarred or suspended from the practice of law. NOTE: Paralegal qualifications under Rule 20-115 (C)(4) reads "graduation from an accredited law school and not disbarred or suspended from the practice of law by the State of New

Mexico or any other jurisdiction."

Division Activities - Liaison efforts. The Division Chair serves as a Liaison to the New Mexico BBC. Members of the Division serve on State Bar Standing Committees or Commissions, including the Commission on Professionalism, Client Attorney Assistance Program, Law Office Management Committee, Technology Committee, Membership Services Committee, CLE Oversight Committee and Communications Committee. Members of the Division may also join specialty sections of the State Bar (e.g., Real Estate and Probate, Bankruptcy, etc.). The BBC, the State Bar Staff, individual attorneys and local law firms are very supportive of the Division and frequently solicit input from the Division, particularly in matters that concern law office administration, paralegals and the utilization of paralegals, and technology.

Educational involvement. The Division sponsors legal seminars independently or in partnership with the State Bar CLE Division to provide economical, high-quality legal education to members and to attorneys. New Mexico attorneys and paralegals volunteer their time and expertise to make these presentations.

Division representatives serve on the Paralegal Studies Advisory Committee of the Albuquerque Technical-Vocational Institute, a New Mexico community college providing an ABA-approved associate degree in paralegal studies. In addition, members of the Division make presentations and/or teach in the paralegal studies programs at the various

other community colleges providing paralegal education in New Mexico.

Under the direction of the Board of Directors and the Professional Development Committee, the Division is aggressively pursuing the education of the public and the legal community regarding the Rules Governing Paralegal Services (Rules 20-101 through 20-115 NMRA) and concerning the proper identification and use of paralegals. Presentations will be made to attorneys, legal administrators, employment agencies, public groups, paralegal education providers, and students.

Research. In early 2004, the Division conducted a Paralegal Compensation, Utilization and Benefits Survey coincident with the Supreme Court's adoption of the revised Rules Governing Paralegal Services. Demonstrating a high level of concern and interest in their chosen profession, approximately one-third of the estimated number of New Mexico paralegals responded to the survey. Of the paralegals responding, 42 percent were paid salaries in excess of \$40,000 compared with only 8.1 percent in a survey conducted by the Division five years ago. In addition, 26.8 percent of the respondents reported having received associate's degrees compared with 19.8 percent in that same study. Comments from respondents demonstrated interest in ensuring high levels of professionalism and minimum standards of qualification for the profession, as well as a desire for continuing opportunities for those presently practicing and for prospective paralegals. There was

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Life as a Corporate Paralegal
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trates solely on the lawsuit, whether it be depositions, discovery, or preparation for trial. As a paralegal I was very involved in the cases to which I was assigned and knew all the details about the case, the witnesses, and was responsible for all the documents and records and knew what they revealed.

In the corporate environment, the main objective is to provide safe and effective pharmaceutical products to the consumer. Many departments are involved in the success of that product, whether it be regulatory, marketing, distribution, or legal. There is a great deal to learn within the corporation that has nothing to do with litigation. On the other hand, because there is so much going on, there is a great deal to learn and a great deal of interaction with other divisions. One of my main responsibilities is the

management of information relating to all of the cases we handle and reporting that information to various groups.

What's the best part of your job?

The worst? Variety is the best part of my job! Each day is different and certainly not dull. Learning



how this complex corporation, with so many groups and departments, interacts with our department has

been a real learning experience. The down side of my job probably is not having as much time to get involved in the individual cases as I was able to do when I worked in a law firm.

Any parting thoughts to people considering a paralegal career in an in-house legal department?

I am very glad I made the change to working in a corporation from a law firm. However, the experience I gained in the law firm was

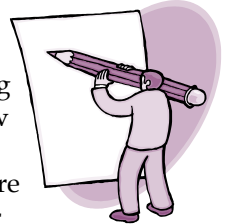
extremely beneficial to me and I would encourage anyone considering working in an in-house legal department to first gain some experience in a law firm. ♦

Litigation paralegal Kathryn Kullman of Pfizer (Deerfield, IL) may be reached at kathryn.kullman@pfizer.com

Article ideas?

We're interested in your work! Tell us if

you've started a new program, have an interesting approach, or know someone whose work would inspire other educators or paralegals. Contact Peggy Wallace at the ABA's Standing Committee on Paralegals at: wallaceP@staff.abanet.org, or Paula Tsurutani, editor of *Update*, at: ptsurutani@sbcglobal.net with your article ideas. ♦



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