

The Productive Paralegal

How to Make the Best Use of Down Time

Monica Muehsam



Regardless of how many days you are overwhelmed with assignments, there will always be days, or quite possibly weeks, when there are no cases, trials or projects on which to work. Perhaps you've been working exclusively on a document-heavy case that settles unexpectedly. Perhaps the economy has affected your practice area and work is less plentiful. Or perhaps some of the attorneys at your firm are reluctant to use paralegals, or depend solely on the one legal assistant in their office with the most seniority. Whatever the situation, you've found yourself out of projects and in need of billable hours.

In today's rocky business climate, as law firms and corporate legal departments cut staff and associates, a savvy paralegal must learn to make the best use of down time in order to keep her job. "It's all about value," said Don Swanson, owner and CEO of Five Star Legal and Compliance Systems, a legal staffing and technology consulting firm with offices in Los Angeles and Boston. "Paralegals need to provide value to their firm and not only through monetary means. Innovative ways to create value are very important in today's economy; if you can come up with a cheaper, faster way to do business, you will create value."

According to a recent report by the Bureau of Labor Statistics, employment in the professional and business services sector continues its downward trend, and the industry has shed 1.5 million jobs since the beginning of the recession. Few law firms or corporate legal departments have remained untouched by the economic downturn. Paralegals, however, are in a good position to maintain a firm's financial viability by virtue of the high quality work and relatively low hourly rates they provide to a firm's clients.

There are as many ways to stay busy as there are law firms. Below are several ways to hone your skills and build your reputation as a valuable asset to your employer while you await your next substantial assignment.

Seek out Projects from Associates

While associates have billing quotas too, many young attorneys are more aware of a paralegal's capabilities than older, seasoned partners. Associates may be more willing to pawn off an unwanted project because they know you can do it as well as they can. If you'd rather not advertise your lack of work by sending out a blanket email, stroll purposefully past their offices and mention to a select few that you have spare time on your hands. You just may be met by a smile of relief and a stack of assignments.

If your firm has a litigation practice, you might offer to prepare written discovery such as special interrogatories or document requests, or dispositive motions like a Motion for Summary Judgment or Summary Adjudication. "In litigation, there is always something that can be done," said Jeffre Lowe, an attorney whose Los Angeles, Cal. firm, Lowe & Baik, handles litigation for the banking industry. "Many times lawyers do not have the time to pare down a complaint, but a well drafted Motion for Summary Adjudication can narrow down and clarify the issues at trial. Taking the initiative during slow times to draft discovery or dispositive motions

would be greatly appreciated as long as there is a client willing to pay." In other words, don't sit around waiting for an assignment, but use your best judgment with the tasks you decide to assume.

Learn a New Skill

Rob Alloway, a corporate litigation paralegal at Potter Anderson & Corroon in Wilmington, Delaware, and

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immediate past president of the Delaware Paralegal Association, dedicates most of his down time to learning about and working with other practice groups. "Assisting other groups is an excellent way to keep your mind active and engaged. To me, knowledge is power, and a knowledgeable paralegal is an invaluable asset to any organization," Alloway said. Many firms, including Alloway's, are experiencing explosive growth in their bankruptcy departments as a consequence of the economic downturn. If your firm has a bankruptcy practice, you might offer your assistance in this area. There's no better way to learn a valuable (and marketable) skill than by offering to get involved; in addition to learning something new, you may also help a co-worker out of a jam and earn some gratitude and respect. No task should be beneath you, even if it is putting

labels on a creditor mailing; it helps to build your reputation as a team player.

Swanson, whose company resells and trains users on litigation support software, sees technology as the gateway to a paralegal's future success. "A paralegal is well-positioned within a law firm to become techno-savvy and one can earn job security by being the most technologically knowledgeable person in the office," he stated. Swanson noted that, while paralegals may have encountered a glass ceiling in their career in

the past, the creation of the litigation support position gives paralegals a new opportunity for advancement. If there is a litigation support database available in your office that you are not proficient with, familiarize yourself with the program by taking tutorials and signing up for related newsletters. If enough paralegals in your office want to learn about a software application, look into an in-house training session. The more proficient you become with case management programs and other litigation support technology (see "The Litigator's Toolbox," on page 40), the more likely your firm's attorneys will recognize you as the go-to person for that software.

As a way to learn additional skills, Swanson also suggests looking into webinars on the Internet. West LegalEd center offers several webcast programs for paralegals and some are free (go to www.

westlegaledcenter.com and click on "paralegal studies" under the Browse Programs heading). Lexis/Nexis also offers online, self-paced tutorials for subscribers (go to www.law.lexisnexis.com/webcasting and search by product or topic).

Read Industry Publications and Local Rules

Strolling around the office looking for work will advertise your lack of substantive projects. If you prefer to keep a low profile, stay in your office and peruse trade publications for attorneys, paralegals and other legal professionals to increase your knowledge and keep abreast of industry trends. You might also review the court rules for any of the courts in which you work and check the courts' Web sites for new rulings, changes to procedure or orders recently handed down.

The Internet offers scores of legal Web sites, useful information and related links. www.hg.org, for example, is a Web site of worldwide legal directories which features compilations of legal experts, court reporters, law firms and legal-related information.

Time Management Tips for Paralegals

Make a to do list on Monday morning and prioritize each task on the list.

Make use of your day planner for follow up items.

Learn the art of multi-tasking. For example, when a file is downloading, respond to important e-mails.

If you have your firm's calendar online, check which attorneys are out and use those days to get caught up with their assignments.

Allot certain times of the day for various tasks. For example, use the energy you have in the mornings to tackle your most difficult duties and the lower-energy afternoon hours to complete less challenging tasks.

Avoid getting caught up in office gossip by finding a new route to your desk or closing your door.

www.paralegals.org is the official website of the National Federation of Paralegal Associations and includes links to numerous sites such as federal agencies, law-related forums, state, federal and supreme courts and a Web site of the month. Monitoring these sites during a slow work day may help you discover something newsworthy that no one in your office is yet aware of and you can be the astute employee who notifies your supervisor or sends out the firm-wide e-mail notification.

Research, Research, Research

Research is another useful, low-profile activity. Look through recent briefs or complaints your firm has filed. Are there points of law that intrigue you? If so, go to the library and research it further. You never know when you'll be asked your opinion on a case, and you can make an impression with a well-informed response. Or maybe during the course of pulling cases for a brief, you stumble across an opinion that you've heard mentioned as groundbreaking or controversial. Now is the time to read the opinion in full.

Create a Database of Cases, Opinions and Orders

Storing relevant cases on a separate database is another good way to keep busy during slow periods. "We get weekly case reports from the Ohio Bar Association," Dan Cody, an attorney with Djordjevic, Casey and Marmaros in Akron, Ohio, stated. "When I review the weekly cases stored on the computer, I can scan all the cases relevant to our practice." Cody also has the paralegals at his firm store all cases pulled for motions and briefs so they don't have to search for them the next time they are needed. If you take on the responsibility of organizing this information, it's important to learn the features of your office's document management system. Profile the cases your firm receives by name, court, date, judge and any other factor that will help in future searches. Ask attorneys and other paralegals what information they want to be able to search for and incorporate this information into the case profile. Setting up a firm-wide system for easy identification and

retrieval of cases is a great use of time and, depending on your service plan, can save your firm significant dollars a year in retrieval costs.

Organize, File, Collate

If you have documents that need to be filed, now is the time to file them, even if you dread it. If your desk is free of clutter, plan ahead to your next crunch time. A little brainstorming can help you find different ways to keep your next big case organized from day one. Planning and organizing now makes more sense than reorganizing things when you're up to your eyeballs in document productions and don't have the time. Start by separating your documents by case and then organize them by what is most important. If the timeline is critical, file your documents chronologically. If you have a case with multiple plaintiffs, prepare file folders for each plaintiff.

Additionally, "If your firm isn't paperless," suggested Cody, "a paralegal can help by investigating the best programs to make this transition." Cody's firm uses Time Matters Practice Management software by Lexis/Nexis (www.lexisnexis.com/law-firms/practice) which has virtually eliminated the firm's storage costs. Similar programs include Rainmaker Platinum Law Practice Management (www.rainmakerlegal.com) and Legal Files Case & Matter Management software (www.legalfiles.com), among others.

Lowe adds that, during extremely slow times, it may be useful to prepare forms for later use. In his practice, form agreements that could be used regularly include Asset Purchase Agreements, Joint Venture Agreements and Employment Agreements. "The bottom line is that you want to stay productive and convince your employer that there is value to your continued employment," Lowe remarked.

Jump on the Bandwagon

Has your firm landed a new, glamorous or headline-grabbing case? Maybe you are defending a local politician in a money-laundering scheme or effectuating the merger of two entertainment corporations. In addition to offering your assistance to

the responsible attorneys, familiarize yourself with the matter by reviewing the documents on your firm's shared directory and the news stories posted on the Internet. "I will occasionally use down time to read pleadings and transcripts in their entirety to get additional context and to better understand what I'm working on," said Jonathan Wolf, senior paralegal assigned to special projects at Bailey and Glasser in Charles Town, West Virginia. Wolf finds that, although litigation starts and ends irregularly, he has no trouble finding work to fill the gaps when he has down time. Getting up to speed in a high profile case by reading everything you can find on the matter is a wise use of your time.

Make a Difference

Does your firm support paralegal pro bono work? If not, maybe it's because no one ever suggested it or had

the time to explore it. Research the local agencies that need assistance (<http://www.abanet.org/legalser->

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vices/probono/directory.html) and bring them to the attention of your superiors.

What about a recycling program? If your firm doesn't have one (and it is surprising how many don't), do your homework and get one started. Many recycling companies don't charge for their services since they make their money reselling what they collect to third parties. Projects such as these will give you a higher profile in the office and score points with the socially conscientious.

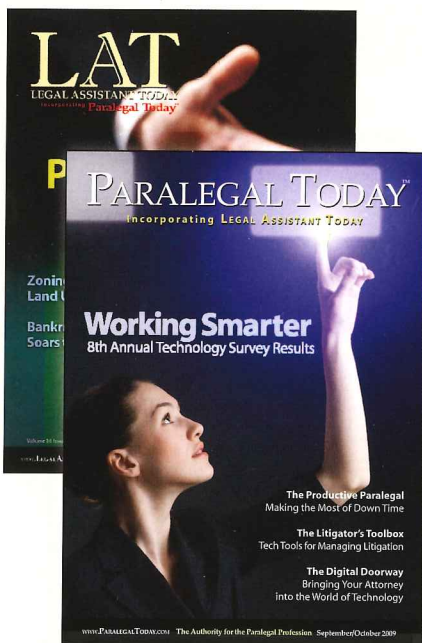
Get Busy

If you are a busy paralegal who has

to turn down assignments or refer them to others, suggestions for best using your down time can seem like a pipe dream. It might sound crazy to consider yourself lucky to be overwhelmingly busy, but in today's economy, it's not a bad place to find yourself when you consider the alternative.

On the other hand, a job with too much down time can be frustrating and frightening and you might worry about what your future holds. These ideas are just the tip of the iceberg for a busier, more rewarding work day for paralegals in all areas of practice. Look around your own office and keep an open mind about your possibilities. Your next big project could be right in front of you. □

Monica Muehsam has been a paralegal for over 10 years and currently works for Prickett, Jones & Elliott, P.A., in Wilmington, Delaware in the corporate litigation section.



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