

Can I Work With a Virtual Paralegal?

Virtual Paralegals in Litigation

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TABLE OF CONTENTS

Introduction	1
Understanding the Term	1
Benefits	2
Getting More Done.....	2
The Bottom Line – Lower Overhead	2
Better Client Service	3
Can this work really be done remotely?	3
Technology	3
Basic Tools	3
Tasks	4
Additional Tools	4
Concerns about Hiring a Virtual Paralegal	5
Security and Confidentiality:.....	5
Trust.....	6
How to Choose a Virtual Paralegal	6
Qualifications	6
Practice area experience	7
Technological competence	7
Delegating Suitable Tasks	8
Pricing Models.....	9
Conclusion	9

Introduction

What does your office do when your workload suddenly explodes due to deadlines, filings, heavy discovery, or trials? What solutions can you find when the work balloons beyond the capacity of your staff? What happens when the case load swells, but it isn't the right time to add another person to the payroll? What if your office is small and providing temp workers with a work station is difficult because you and your staff occupy all available desks?

You hire a virtual paralegal who can work remotely! A virtual paralegal can perform tasks typically assigned to an in-house paralegal remotely via e-mail, phone, e-fax, web conferencing, cloud-based document sharing platforms, or other collaborative software. This article will demonstrate how your firm can benefit by hiring a skilled and competent virtual paralegal equipped to work along with your team from his or her own office.

Many litigation practices are perfect candidates for utilizing virtual paralegals. They wish to take on cases requiring expertise their staff does not possess. They have frequent work overloads which tax their existing staff. They have no budget for adding to their payroll. Their physical space and equipment resources are limited. These are the scenarios in which a virtual paralegal can help the most.

But how does a litigation attorney go about incorporating a virtual paralegal into his or her practice?

Understanding the Term

First and foremost, it is important to understand the term, "virtual paralegal." In the case of virtual paralegals, "virtual" does not mean "almost," as in "virtually unknown." Nor does it mean "simulated," as in the "virtual reality" of a video game.

It simply means working remotely - virtual as in "occurring mostly online." ***Think of it as telecommuting!***

Telecommuting is not a new concept in law practice. Both lawyers and staff work from home at many law firms. Technology permitting, they may even log into a work server remotely to exchange emails and edit documents from home.

Virtual paralegals are telecommuters with two important distinctions: They are not full time employees – meaning there are no benefit costs, overtime pay or payroll taxes associated with their employment. And they use their own equipment instead of the law firm’s resources – meaning the law firm needn’t free up work space, computers or other resources in order to get the work done. Both of these factors provide great cost saving benefits to litigators.

Benefits

Here is an assessment of why law firms – and solo practitioners – benefit from hiring virtual paralegals.

Getting More Done

Time is at a premium in any business, but this seems particularly true in the small or solo law office. While there may be the same amount of work as in a larger office, there are fewer hands to do it.

Hiring a virtual paralegal to perform any of the many tasks which can be done from a home office means you and your own staff are free to devote your full attention to tasks which must be done on-site, or tasks which require a complete understanding of your client and your case. When lawyers are freed to perform those tasks they are best at, while a virtual paralegal takes care of all suitable paralegal tasks, the work load is eased for everyone. This makes your office more efficient, and enables you to handle a larger case load and still assure competent representation of each client.

The Bottom Line – Lower Overhead

Particularly in this economy, very small offices are not in a position to add to their payroll by hiring full time staff to help them bear the load. Hiring a virtual paralegal can be much more cost efficient than hiring a full-time, in-house paralegal. A virtual paralegal is only paid for time actually worked. No more paying for down time or overtime. In addition, the small office saves the costs of benefits associated with full-time employees. And finally, because a virtual paralegal works from his or her own office, there are no costs for work space, supplies or equipment.

Better Client Service

With a virtual paralegal, lawyers have an added tool at their disposal for assuring each task in each of their cases is being handled, and nothing is falling through the cracks. This enables lawyers to be sure each of their clients receives the attention and excellent legal services he or she deserves. It enables lawyers to be as responsive as possible to all their clients, which provides a competitive advantage in today's competitive market.

Solo practitioners and small law firms reap many benefits by employing a virtual paralegal to assist with the work load, including improving case management, creating more efficiency, and of course, saving costs. This does indeed make for happier lawyers and ultimately, happier clients.

Can this work really be done remotely?

Technology

Some attorneys believe they do not have the requisite technology for utilizing a paralegal working from a remote location. But they do! Tools employed by every office – telephone, mail, email, fax, scanning and internet access – are all that's needed to share documents, information and projects back and forth with a virtual paralegal. In fact, these are the very tools routinely used for sharing documents and data within the office, and outside it to clients, experts and the courts.

Basic Tools

The surprising fact is that most of the tasks performed by paralegals in your office can also be performed remotely. What tools might your office need to take advantage of a skilled virtual paralegal working out of his or her own office? You will need:

- a telephone
- e-mail
- word processing software
- Acrobat or similar pdf software
- internet access

In other words, you need nothing more than the tools with which your office is already equipped. Instructions can be given, and information and documents sent back and forth with your virtual paralegal via phone and e-mail. Your virtual paralegal can draft, review, revise and redline documents, and transmit them back to you via e-mail or a secure cloud-based document sharing platform.

Tasks

What tasks can a virtual freelance paralegal perform with just these five standard tools?

- Conferring with you or your staff about tasks and instructions via phone or email
- Making calls to the court, vendors, court reporters, or clients
- Drafting, editing or proofreading simple pleadings and motions or supporting documents, discovery and discovery responses, or case and document chronologies
- Cite-checking briefs, and preparing briefs, supporting documents and exhibits for e-filing
- Legal research via court websites, or other on-line legal resources
- Reviewing, bookmarking, highlighting or marking transcripts, exhibits or other documents in Word or PDF format
- E-filing (with attorney client's logon)

Each of these tasks can be performed by a virtual paralegal with only the simple technologies mentioned above.

Additional Tools

Virtual paralegals have the advantage of already being set up to work remotely. They typically have additional tools at their disposal to work effectively and efficiently with a law firm in any location.

Any other tools and technologies your firm has available can expand the list of tasks and projects which can be accomplished by your virtual paralegal, and enhance your ability to serve your clients. Use of tools such as legal research accounts, web conferencing

software, online document or content management systems and cloud-based document sharing software can be used to collaborate even more fully with your virtual paralegal.

So you see, every litigator has access to all the technology he or she really needs to work effectively with a remote working paralegal. It's much easier than it sounds.

Concerns about Hiring a Virtual Paralegal Answered

Security and Confidentiality:

How will I know my firm's and my clients' information is secure?

All attorneys have a legal and ethical responsibility to ensure the security of all their clients' confidential documents, as well as their own work product. They have a duty to strictly maintain the privileged nature of all their communications with their clients. They are reasonably concerned that their staff – whether employees or contractors – treat all documents and communications with the same diligent care.

Paralegals, whether employee or contractor, share with attorneys an ethical duty of confidentiality. The ABA Model Rules of Professional Conduct, and the guidelines for paralegals adopted by state bar associations, state courts and paralegal professional organizations, *all require paralegals* to guard the confidentiality of client information. This duty of confidentiality applies as firmly to paralegals working remotely as it does to a law firm's own staff.

These issues will be addressed in the contractor agreement executed between the attorney and paralegal before any work is performed. The agreement will, at a minimum, state that the paralegal will not disclose, by any means, information regarding the attorney's business processes, clients, or client information, and will address remedies in the event such confidentiality is breached.

So you see, with a complete understanding of a virtual paralegal's business practices, and a contract in place, an attorney can have confidence that using the services of a virtual paralegal will not compromise the confidentiality and security of the attorney's information, or that of his or her clients.

Trust

Or, Believing Isn't Necessarily Seeing

In all work relationships, trust takes time to develop. When attorneys hire permanent staff, they do their best to assure the new employee will be an asset to the team, and then take time to get to know the employee's work first hand.

Of course, when a paralegal works in house, the attorney can observe his work and work habits. But how does an attorney monitor a remote working paralegal? Attorneys may never even meet their virtual paralegal in person, let alone be able to observe her working.

After all, seeing is believing, right? Or is it?

Work Product

One of the key elements in creating this level of trust is the quality of the virtual paralegal's work product. Has it been proof-read, and is it free of typographical and grammatical errors? Is it well written? Is it well organized? Does it meet the criteria outlined by the attorney at the outset of the project? A virtual paralegal will be able to provide work samples and exemplars prior to hire, which can provide an indication of the quality of his or her work.

In addition, a competent virtual paralegal will be able to provide a reasonably accurate estimate of the amount of time a given project will take. She or he will be able to provide regular progress updates, and immediately advise an attorney client of the reasons for any delays or revisions to that time estimate.

As with all other aspects of the working relationship, clear and frequent communication is the key to developing trust when working with a virtual paralegal. When each party communicates clearly about his or her expectations, the project instructions, and the progress being made, a working relationship based on trust is maintained.

How to Choose a Virtual Paralegal

Qualifications

Every attorney contemplating hiring a paralegal will inquire into the paralegal's training, background, work history and references. In California, an attorney will also want to

verify that the paralegal meets the training and continuing education standards required by [Bus. & Prof. Code §6450](#).

Attorneys and firms will want to vet any virtual paralegal they are considering hiring. Just as an attorney seeks references for a full-time employee before hire, references can be requested of a virtual paralegal. Perhaps an attorney will even want to spend time developing a professional relationship prior to hire, or assign small jobs to see how the paralegal performs before entrusting him or her with major projects.

Practice area experience

What practice areas do you work in? Employment? Personal injury? Medical malpractice? Or business litigation? Insurance defense? Patent prosecution or litigation?

A skilled paralegal can learn to assist you efficiently in a new practice area, if you're willing and able to provide the time it takes for your virtual paralegal to learn the ropes. But if you need someone with a depth of knowledge in your area, or if you have only occasional or sporadic needs for help, the most efficient thing is to find a virtual paralegal with experience in your specialty area of law, who can hit the ground running.

Technological competence

Any paralegal purporting to work with attorneys remotely will possess the technologies and tools that enable remote work, and will be skilled in using them. A competent virtual paralegal will have up-to-date versions of compatible word processing, spreadsheet and PDF software applications, together with the software and equipment required for any of the services the paralegal offers.

A competent virtual paralegal will understand the security issues involved in all forms of electronic communications and document sharing, including email, the Internet, and cloud-based platforms. He or she will have policies and security protocols in place for protecting client data while using these technologies.

Specifically with respect to confidentiality obligations, it is incumbent upon the virtual paralegal to provide reliable evidence that she or he can maintain strict security of all documents and files. Any lawyer contemplating hiring a remote working paralegal will want to inquire into his or her business practices.

- How does the paralegal secure and store paper and electronic files?

- How long are paper or digital copies retained, if at all?
- What computer back-up systems are used to guard against files being deleted or otherwise lost?
- What security measures are taken with computer files, online storage, and back-up files to prevent disclosure?
- Does the paralegal's computer system have a firewall and secured WiFi?
- Are the cloud or internet based software programs the paralegal uses encrypted?

Finally, a competent virtual paralegal's contractor agreement should address security and file retention policies in place.

Delegating Suitable Tasks

Some lawyers believe all the work they require simply has to be done on-site. Or said differently, they believe they need a paralegal close at hand for urgent projects.

There are a small number of tasks which cannot readily be performed from a remote location: making copies, for example, or meeting in person with clients, experts or witnesses. However there are a host of tasks that are perfectly suited for a remote working paralegal. A competent virtual paralegal can help an attorney evaluate which projects are best suited for his or her assistance.

For example in my own virtual paralegal business:

- I have managed eDiscovery, interfacing with vendors, reviewing and tagging documents, and managing document productions.
- I have redacted and Bates numbered documents for production in PDF and TIFF formats.
- I have performed online and law library research on procedural or legal issues and drafted memoranda outlining my findings for attorney clients.
- I have cite-checked and formatted state court, federal court and appellate briefs.
- I have drafted declarations and assembled their exhibits.
- I have performed electronic filing in numerous federal court jurisdictions.

These are just a few examples of the many services a virtual paralegal is able to provide to litigation attorneys, working remotely from his or her own well-equipped office.

Pricing Models

Virtual paralegals are business owners, rather than temporary workers. They pay for their own office expenses, supplies, business and payroll taxes, and benefits, so that the hiring attorney doesn't have to. Their pricing will reflect these costs.

Virtual paralegals can bill hourly rates if this fits best into a law firm's own billing scheme. Their fees and costs can be passed along to the firm's clients, pursuant to the statutory and ethical requirements in the firm's jurisdiction.

In addition, many virtual paralegals will be able to devise alternative fee structures that suit the needs of an attorney's law practice and client base. They are also able to negotiate flat rates for discrete, specified projects. Many are able to offer reduced monthly retainer fee rates, assuring clients regular blocks of time for their work.

Your virtual paralegal's Contractor Agreement will specify the fees and costs for which your firm will be responsible, and how they will be calculated and billed.

Conclusion

As you can see, a skilled and experienced virtual paralegal can accomplish a vast array of projects from his or her home office, and this fact creates an important advantage for you and your firm. It gives you additional options in accomplishing the tasks at hand during those excessively busy periods. You can decide which tasks are most efficiently done in-house by you and your staff, and which tasks can be effectively performed by your virtual paralegal. You have the freedom to organize the work load, assigning your staff those tasks they're best suited for due to their superior understanding of your clients and cases, while getting cost-efficient help on tasks readily handled by a virtual paralegal. You can obtain the extra staffing help you need, *without* the added costs that accompany hiring more permanent staff, and *without* the added costs associated with providing office space and supplies to your virtual paralegal.

What you need, then, is a virtual paralegal who is fully equipped to work out of his or her own office, and who has the knowledge, the experience, the communication skills, and the work ethic to meet your overflow staffing needs and become part of your team when, and only when, you need help.

It's a win-win for us all!



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Virtual Paralegal: Daphne is a NALA Certified Paralegal and the sole proprietor of Drescher ProParalegal. Her training and over 20 years of litigation experience enable her to provide professional and reliable paralegal and administrative services to attorneys and law firms in any location.

Instructor: Daphne is an Adjunct Instructor in the Paralegal Degree program at Empire College in Santa Rosa, CA. She teaches such varied subjects as Law Office Management, Mediation, Discovery, Technology for Paralegals, and Cyberlaw. She has written curriculum for and facilitated numerous MCLE and in-house training seminars.

Writer: Daphne is the author of numerous articles on paralegal-related topics, published in KNOW: the Magazine for Paralegals, and in paralegal association newsletters across the country. She also writes a monthly newsletter for paralegals and legal professionals of all kinds, providing practice tips and other items of interest to her colleagues in the profession.

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