

# PLEADINGS

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## **PARALEGAL VERSUS LEGAL ASSISTANT: THEY ARE NOT THE SAME, BUT THEY ARE BOTH IMPORTANT** **BY TERESA GARBER, PP, CLP**

I have been in this business a long time. I started out as a legal secretary for a solo practitioner who dabbled in personal injury, divorce, and acted as a prosecuting attorney for a local municipality. Twenty-five years later, I am a corporate compliance paralegal for a large regional retailer. I'm proud of my career and the accomplishments I have achieved, just as I'm sure most of you are of what you have done.

A sticking point with many legal support professionals is their title. For the longest time, support staff were mostly comprised of *legal secretaries*. They answered phones, typed, took dictation, did filing, made copies, and other *clerical* tasks that fit in with the area of law they practiced. As time and technology advanced, legal secretaries not only took on other tasks, they began to detest being called *legal secretaries*. In the early 2000s legal

secretaries (particularly younger ones) began to demand they be called *legal assistants*, insisting that the term *secretary* was demeaning and archaic. Employers began to oblige, but to the protest of paralegals, as the terms *paralegal* and *legal assistant* were deemed to be synonymous. But employers were making the switch in terminology anyway. Today, the term *legal secretary* is obsolete. If you used that term, you may as well have used an obscenity. Look at employment ads, and you will see firms are looking for either legal assistants or paralegals only. Even our own association, *NALS . . . the association for legal support professionals*, is no longer focusing on legal support professionals as a whole and is leaning toward being a paralegal association.

That leaves us with two questions:

(1) Are you a paralegal or a legal assistant?

(2) Which position is better?

The American Bar Association revised its definition of *paralegal* in 2020 to the following:

A paralegal is a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated *substantive legal work* for which a lawyer is responsible. [Emphasis added.]

This definition (from 1997) originally included the term *legal assistant*. However, the ABA removed it to emphasize the substantive aspect of the work a paralegal does.

Substantive law is the law that describes, defines, regulates, and creates legal rights and obligations. For example, a law regarding easements is substantive law. In other words, paralegals have an understanding of the law in which they practice, along with the procedures to enforce those laws.

Legal assistants with years of experience (and worth their salt) will be the first to say that they, too, know the substantive and procedural aspects of the job and should be considered a paralegal. First, the difference is one of technicality really. In the ABA's definition, to be a paralegal, you must be hired as one. In other words, that is what your title must be with your employer. Also, the ABA and many professional associations take it one step further. In their definitions of *paralegal*, not only must a paralegal be hired as a paralegal and perform work of a substantive nature, but it must be work for which a lawyer is responsible or that would *normally be performed by a lawyer* (except for representing a client in court or at a deposition, giving legal advice, or setting fees).

Legal assistants today do much more than legal secretaries just over thirty years ago. Legal assistants are more educated in the area of law they work in, and so can help with preparing required forms and documents, work on specialized computer assignments, file documents with courts and agencies, and calendar deadlines. And with smaller firms, they can manage the day-to-day operations of the

office. However, they, as per the ABA, are *not* paralegals. What is worrisome is many of the employment ads out there claiming to look for paralegals but actually listing duties and pay of a legal assistant. Should paralegals beware, or are legal assistants being taken advantage of?

Is being a legal assistant a bad thing? No way! Legal assistants are a tremendous asset to the law office. If done correctly, a lawyer, paralegal, and legal assistant can make a well-oiled machine. The lawyer can be in court or at depositions or important meetings, while the paralegal can be summarizing medical records or drafting briefs or researching a point of law, all while the legal assistant can be filing court documents or managing the physical file or working with the paralegal on managing document productions. Everyone has an important role with tasks that are critical to the client's file. For anyone to look at someone as "just" a legal assistant does not have the proper perspective. I loved being a legal secretary and a legal assistant, and I am proud to be a paralegal. I am grateful for the legal assistants I work with at my current job because they have been a tremendous help (especially since I do not know where anything is in our office).

So, to answer the questions posed above:

(1) After reading the ABA's revised definition and learning you are a legal assistant, BE PROUD! If you are a paralegal, BE PROUD!

(2) There is no one occupation better than the other. Each is just as necessary to the effective running of a law office. Just be the best legal assistant or paralegal that you can be!



Resources:

- American Bar Association, "Current ABA Definition of Paralegal," found at [https://www.americanbar.org/groups/paralegals/profession-information/current\\_aba\\_definition\\_of\\_legal\\_assistant\\_paralegal/](https://www.americanbar.org/groups/paralegals/profession-information/current_aba_definition_of_legal_assistant_paralegal/)
- Miller, Roger and Mary Meininger, Paralegal Today (7th ed.)
- American Association for Paralegal Education, Position Statements, found at [https://www.aafpe.org/index.php?option=com\\_content&view=article&id=56:position-statements&catid=20:site-content](https://www.aafpe.org/index.php?option=com_content&view=article&id=56:position-statements&catid=20:site-content)

# **NALS OF GREATER KALAMAZOO SUMMER MIXER**

Join us for a fun night of drinks and snacks, open to all legal support staff in Kalamazoo and surrounding areas.



**JUNE  
23RD**



**5:30  
PM**

**At Woznicky Law  
1918 W. Milham Ave  
Portage, MI 49024**



Greetings from your NALS of Greater Kalamazoo Wellness Committee. NALS would like to challenge you to be WELL during the month of June. There are five main aspects of personal health: physical, emotional, social, intellectual, and spiritual. In order to be considered “WELL,” it is imperative for none of these areas to be neglected.

Here are 20 ways to improve your mental and physical wellness this month:

<ol style="list-style-type: none"> <li>1. Drink more water. Aim to drink 60 oz. of water EVERY day.</li> <li>2. Get more sleep. You should be getting 7-9 hours of GOOD sleep EVERY night.</li> <li>3. Walk it out!</li> <li>4. Stretch.</li> <li>5. Meditate.</li> <li>6. Spend more time with friends (and your NALS Pals) and family.</li> <li>7. Cook your meals.</li> <li>8. Be curious.</li> <li>9. Participate in NALS CLE.</li> <li>10. Play games for brain stimulation.</li> <li>11. Learn a foreign language.</li> <li>12. Journal.</li> <li>13. Read a good book.</li> <li>14. Connect with your faith community.</li> <li>15. Spend time in nature.</li> <li>16. Speak with someone you trust about a problem you are facing.*</li> <li>17. Volunteer or help others.</li> <li>18. Develop an attitude of gratitude.</li> <li>19. Take a break.</li> <li>20. Forgive yourself.</li> </ol>	
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We challenge YOU to choose one or more of these as your focus in June! At the end of the month, simply email Tami Carl, CLP with a couple lines telling us what you did to improve your wellness in June. We will put the names of those who respond into a drawing and one lucky winner will receive a wellness gift from our chapter. But, more importantly, do this for yourself!

\*If you need to speak with someone now, please call Tami Carl, CLP (269.501.9063) or contact any chapter officer.

Be safe and be well.

Sincerely,

YOUR NALS OF GREATER KALAMAZOO WELLNESS COMMITTEE

**2022-2023 Chapter Committees**  
**(some committees are required by our bylaws; some will be special committees appointed at the request of the President)**

<b><u>COMMITTEE</u></b>	<b><u>VOLUNTEERS</u></b>
<b><u>Audit:</u></b> Three volunteers are needed to review and conduct an audit of the chapter's financial records for FY 2022-2023. This usually takes place after work one evening during the month of June. It will require approximately 2-3 hours of your time and pizza is provided!	Sarah Rustenholtz Jennifer Robinson
<b><u>Certification/Education:</u></b> This committee provides members with information about the NALS ALP, PLS/CLP, and PP exams, and assists with coordinating a study program for those preparing to take the exams.	
<b><u>Education/Programs:</u></b> This committee assists with planning and coordinating educational opportunities for our chapter with a view toward assisting members to become better legal professionals. This committee will also provide information to members with regard to other NALS educational opportunities. The chair prints the educational certificates for the meetings.	
<b><u>Employment:</u></b> This committee shall be responsible for compiling and maintaining a list of legal professionals looking for work and a list of law firms looking for employees, and distributing such information as requested.	Sarah Rustenholtz
<b><u>History:</u></b> This committee shall maintain a record of the meetings and events of the chapter and make the most recent photo album and/or scrapbook available at each meeting.	
<b><u>Holiday Charity:</u></b> This committee assists in selecting a holiday charity and helps coordinate the activity.	Jennifer Robinson
<b><u>Member of the Year:</u></b> This committee shall prepare and publish a Member of the Year nomination form in the <i>Pleadings</i> each year, and meet to select the most qualified candidate for the chapter's award from among the candidates. The chair of this committee shall present the award to the most qualified candidate at a monthly meeting to be designated by the committee.	Tami Carl, CLP Tonya Mashue, PP, PLS
<b><u>Membership Committee.</u></b> Welcomes new members to meetings; sends out new member packets to interested individuals; presents certificates and pins to new members, and more.	Sarah Rustenholtz
<b><u>New Member Orientation.</u></b> Follow up with new members with regard to their expectations, ask for feedback, and reconfirm what they are looking for from NALS. Write a new member column for the Newsletter.	Sarah Rustenholtz
<b><u>Newsletter:</u></b> This committee shall be responsible for compiling and editing information for the <i>Pleadings</i> each month.	Nancy Thomas, PLS
<b><u>Nominations:</u></b> Three volunteers are needed for this committee. This committee shall be responsible for seeking and accepting qualified nominations for elective offices in the spring of 2022 and presenting its report and slate of officers for vote in March of 2023.	

<b><u>Programs and Speakers:</u></b> This committee shall plan the monthly programs and secure speakers for the FY 2022-2023 general membership meetings.	
<b><u>Public Relations/Marketing:</u></b> This committee shall be responsible for public relations and marketing as shall be deemed necessary and/or as requested by the Board of Directors.	
<b><u>Reservations:</u></b> This committee shall be responsible for selecting the location of the general membership meetings, collecting the reservations for those meetings, and preparing the reservations/notice forms for advertisement in the <i>Pleadings</i> each month, notifying the members of the place and time of the meetings.	Cathy A. Zackery, CLP
<b><u>Scholarship:</u></b> This committee shall be responsible for contacting the various colleges and high schools regarding applications for the Jo Spaulding Memorial Scholarship. They shall also meet to select the winner of the scholarship and present the scholarship(s) to the winner(s) at the general membership meeting, usually held in June.	Jennifer Robinson Sarah Rustenholtz
<b><u>Summer Outing/Social:</u></b> This committee shall plan the chapter's summer outing and other social activities. In the past we have attended the Barn Theatre as a group, we held wine and cheese tasting events, and more. All ideas are good ideas.	Tami Carl, CLP Tonya Mashue, PP, PLS
<b><u>Ways and Means:</u></b> This committee shall be responsible for fundraising for the chapter. In FY 2022-2023, there were a variety of different fundraisers, including: (i) update attorney directory (ii) Koeze nut sales, (iii) monthly meeting raffles, Other ideas are open for consideration.	(i) Cathy A. Zackery, CLP (ii) Nancy Thomas, PLS/ Cathy A. Zackery, CLP (iii) Nancy Thomas, PLS
<b><u>Website and Technology.</u></b> This committee maintains and updates the chapter's website and Facebook account as needed.	Cathy Zackery, CLP
<b><u>Welcome Committee.</u></b> Greets and welcomes members at all meetings and NALS functions and helps make members feel welcome. Comes up with ideas to keep members engaged.	Sarah Rustenholtz
<b><u>Service Projects/Community Giveback.</u></b> This committee shall be responsible for organizing two hands on activities/opportunities a year.	Tami Carl, CLP Tonya Mashue, PP, PLS
<b><u>Court Observance Day.</u></b>	
<b><u>Mentor Program:</u></b> Mentor a new NALS member. Must be a NALS Member in good standing, actively participates and supports NALS of Greater Kalamazoo, and willing to commit to the mentor program.	Cathy Zackery, CLP Sarah Rustenholtz

Note: all officers and committee chairs are part of the Executive Committee and are invited to attend all Board Meetings.

BEST OFFER OF THE YEAR

# NALS Attorney Directory



**FLASH  
SALE**

**50% OFF**

To order please email:  
[Cathy.Zackery@gmail.com](mailto:Cathy.Zackery@gmail.com)

*2022 - 2023 Officers*

Teresa Garber, PP, CLP, President  
tsaenzgarber@gmail.com

Sarah Rustenholtz, Vice President  
serustenholtz@gmail.com

Nadia Khan, Secretary  
nadia.a.khan@gmail.com

Cathy A. Zackery, CLP, Treasurer  
cathy.zackery@gmail.com

Cathy A. Zackery, CLP,  
Immediate Past President  
cathy.zackery@gmail.com

Nancy Thomas, PLS, Parliamentarian  
thomasn@millercanfield.com

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Nancy Thomas, PLS, *Pleadings* Editor  
thomasn@millercanfield.com

**CALENDAR**

Next Board Meeting  
Tuesday, July 12, 2022  
6:00 p.m.  
via ZOOM

Membership Mixer Social  
Thursday, June 23, 2022  
5:30 p.m.  
Woznicki Law  
1918 W. Milham Avenue  
Portage, MI

Next General Membership Meeting  
Thursday, July 28, 2022  
Time: t/b/d  
Program: t/b/d

NALS National Legal Education Conference  
September 15 - 17, 2022  
Sonesta Charlotte Executive Park  
Charlotte, NC



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**NALS of Greater Kalamazoo  
P.O. Box 50221  
Kalamazoo MI 49005**