

WHAT'S IN A NAME?

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As most of you are aware, over the years the terms *paralegal* and *legal assistant* have been used interchangeably, in much the same way as *lawyer* and *attorney*. Approximately four years ago the State Bar of Texas adopted a new definition for "Paralegal" and the following year approved amending the definition to include a specific set of recommended "STANDARDS", which are intended to assist the public in obtaining quality legal services, assist attorneys in their utilization of paralegals, and assist judges in determining whether paralegal work is a reimbursable cost when granting attorney fees". Almost immediately, paralegal associations across the state voted unanimously to formally change their names in response. The Texas House of Representatives passed HB 865 declaring October 23rd of each year "Paralegal Day" in Texas, to amend the previously passed House Bill declaring it "Legal Assistants Day". Even the American Bar Association, at their 2003 annual convention changed the name of their Standing Committee on Legal Assistants to "Standing Committee on Paralegals". One would think the matter had been settled. Not so fast.

When I was asked to speak recently on this topic, at first I thought simply of the topic of the name change and the particulars pursuant to the name change mentioned above.

But while viewing the promotional flyer I learned the actual title of the seminar – "WHAT'S IN A NAME?". I cogitated on that for quite a while, and revised my note cards. What's in a name? I know the old argument, that it doesn't matter what title you hold, it only matters what skill set you possess and whether your salary is commensurate. But the more I gave thought to this issue, the more I realized that the old argument is wrong! Indeed, your title DOES affect how you are perceived, what skill level you are trained for, how you are utilized and yes, how you are compensated. The name change to *Paralegal* is part and parcel to the entire process of recognizing the profession for its professional contribution to our legal services industry and to attack those narrow attitudes still held by some today. This name change represents years of activism – years of struggle for many of us in this community. Unfortunately, an example of those "narrow attitudes" follows below.

A guest speaker at one of HMPA's CLE presentations (who shall remain nameless) made a pointed effort (while sitting at the our table) of asking about the nature of CLE presented by HMPA, why we promote CLE among our members and what prompted the name/definition change to *Paralegal*. Believing that he was truly interested, I perked up, delighted in being able to share the information (noted above) with him. I gave earnest examples

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of our battles over the years, why the billing controversies have erupted, our concerns for professional recognition, our mandate toward educational development and how, to that end, we pride ourselves on putting on CLE courses so substantive in nature that the State Bar approves them for MCLE credit for attorneys. When I finished, thoroughly pleased of course, with having converted yet another attorney into championing our cause, he looked at me and said, perfectly serious, "You know Mel, that's really great. But I get so confused that, at my office, I just refer to all of the assistants or secretaries, or whatever, as *my girls*."

His paralegal, who was sitting with him and who had come to support him and run his PowerPoint presentation, sat there quietly mortified. "*MY GIRLS???*" Was I suddenly transported back to the 1950's? It was incredulous! He didn't *HEAR* me at all. He couldn't have cared less about my passionate explanation. I was astounded, and all I could think of was surely the clients at my current employer would have an extremely tough time believing MY current billable rate was for attorney fees provided by one of "*THE GIRLS*"! So goes the battle that many of us have been waging for more years than I care to remember.

Let's return to my example. I'm sure this nameless attorney wouldn't be offended at all if the Managing Partner at his firm introduced him to a prospective jury pool, or say, to potential clients as "*my boy*", disparaging his graduate school accomplishments and wiping out twelve years of successful complex litigation cases in one fell swoop. No, I'm sure he would find it extremely funny.

The facts are that many attorneys, firms and clients *HAVE* gotten the message. The

message that we are here to provide substantive services in all areas of legal practice, and not simply ancillary tasks. Our profession is one of the fastest growing in the country for one reason - **ECONOMIC NECESSITY PRODUCING CLIENT DEMAND**. Clients have become wise to the potential economic value of paralegal inclusion. They realize that paralegals can perform all the tasks that an attorney can perform, under the direct supervision of a licensed attorney, save the setting of fees and other tasks that attorneys only may perform, with one important difference - **IT COSTS LESS!**

The reason why I am a member of HMPA and why I have served on the Board of Directors for more than ten years is really quite simple. HMPA was founded in 1978 to further the professional and educational development of paralegals in order to provide a more comprehensive approach in the delivery of legal services. They realized then that recognition of our profession was long overdue. The founders of HMPA and every sitting Board since have been forward-thinking and dedicated to the advancement of Houston area paralegals. They have always realized that positive changes don't happen by accident, that excellence comes from within. We all know that only by providing **CONSISTENT, PROFESSIONAL, SPECIALIZED WORK** will the rewards come. By rewards, I mean appreciation, recognition, higher salaries, promotional opportunities, substantive work and so on... the ideas I tried my very best to present to "*Mr. My Girls*" at the CLE!

Many paralegals are treated with respect by their employers, in ways that make them feel vital, necessary and included in the

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day to day decisions that affect clients. Sadly, many still are not. They earn substantial fees for their firms, but no real weight is given to their ideas or opinions, nor are they included in strategic meetings or conference calls at the outset of deals or cases, a move that would save both time and money and where creative ideas are born from experienced minds. These are a few of the areas where many firms today fall short, at their clients' expense. To this end, HMPA continues to be a vocal advocate for the advancement of our profession, and will continue to be until all attorneys recognize the economic value of paralegal inclusion. Our members make the task easier of course, with their talents, loyal work ethic and superior skill set.

Finally, back to "*the name*". The word "PARALEGAL" is 9 digits and 4 syllables. But this "NAME" represents, at least to me, years of struggle, years of speaking engagements at firms, paralegal programs, law departments, CLE courses and technical schools, years of writing articles, all with one goal in the distance - the advancement of our profession, both in professional respect and monetary compensation, the advancement from "*MY GIRLS*" to "*FEE EARNER!*"

WHAT'S IN A NAME? Well, I'll leave the rest to you.