

SBM Legal Assistants Section Name Change

By Linda Jevahirian

Recently the Legal Assistants Section of the State Bar of Michigan officially changed its name from “Legal Assistants Section” to “Paralegal/Legal Assistant Section.” Section members present at the 2007 SBM Annual Meeting unanimously voted to make the change on a yes/no ballot, and the SBM Board of Commissioners approved the name change in May 2008.

Why change the name?

Because both terms are used in the field, similar to the way in which “lawyer” and “attorney” are interchangeable, the membership felt the section name should reflect both titles.

Which term is more accurate?

In an effort to determine whether one term—“paralegal” or “legal assistant”—is more applicable, I researched the terminology most often used by a range of paralegal organizations. What I discovered is that neither is used more often than the other.

American Bar Association

I started at the top with the American Bar Association (ABA), where the paralegal profession was first recognized in the 1960s. The term used by the ABA has changed over the years to reflect contemporary terminology in the legal community. Originally the ABA used the term “lay assistant.” The term later became “legal assistant.” In 2003, the ABA Standing Committee on Legal Assistants changed its name to “Standing Committee on Paralegals.” Even so, the ABA continues to use the terms “paralegal” and “legal assistant” interchangeably.

International Paralegal Management Association

Terminology used by members of the International Paralegal Man-

agement Association (IPMA) would seem to carry some weight. After all, most paralegal managers are former paralegals who make decisions at the management level. In 2005, following a survey of its members, IPMA changed its name from “The Legal Assistant Management Association” (LAMA) to its current name to mirror the ABA’s name change two years earlier.

NALA and NFPA

In the mid-1970s, when the paralegal profession was just getting its feet wet, two national associations—The National Association of Legal Assistants (NALA) and The National Federation of Paralegal Associations (NFPA)—were established. Both had the same goal in mind: to support and foster the growth of the profession. One organization chose the term “paralegal,” and the other chose the term “legal assistant.”

In 2001, NALA recognized the term “paralegal” and now offers certification holders the option of using the term “CLA” (Certified Legal Assistant) or “CP” (Certified Paralegal). In contrast, NFPA has never used the term “legal assistant.” Its certification holders are designated by the term “RP” (Registered Paralegal).

State Associations

In 1978, Michigan paralegals established a state chapter of NALA, called “The Legal Assistants Association of Michigan” (LAAM). When the State Bar of Michigan established affiliate membership for “legal assistants,” it adopted NALA’s terminology.

Local Bar Associations

Even at the local bar association level, both titles are being used. The Detroit Metropolitan Bar Association (DMBA) changed the name of its Legal Assistants Committee to “Paralegal Section:” how-

ever, affiliate members of the Oakland County and Grand Rapids bar associations call themselves “legal assistants.”

Paralegal Education Programs

The American Association for Paralegal Education (AAfPE) dates back to the 1970s, when the ABA sponsored its first conference for paralegal educators. Although the ABA was using the term “legal assistant” at that time, the AAfPE adopted and has always used the term “paralegal.”

I looked at 13 paralegal programs in Michigan and discovered that seven programs use the term “paralegal,” four use the term “legal assistant,” and two use both terms. Programs such as these are overseen by the ABA’s Standing Committee on Paralegals.

Federal Government

The federal government has traditionally used the term “paralegal.” Its employment listings refer to the position as “paralegal,” although the U.S. Department of Labor uses both terms.

NALS

Get ready for even more confusion. Many legal secretaries refer to themselves as “legal assistants.” I asked a representative of NALS (a national association with state and local chapters) for its view since it originally represented secretaries and only recently changed its focus to include a broader range of legal professionals, from receptionists to lawyers. NALS has concluded that, although the terms “legal assistant” and “paralegal” were at one time interchangeable, the term “legal assistant” is now a generic term for someone who works for an attorney.

Legal Secretaries

In some cases, people functioning in the capacity of a legal secretary refer to themselves as “legal assistants.” This designation may have originated from their employers; it may be the result of achievements in further education; it may have been chosen to convey a more contemporary view of their responsibilities; or it may simply be the way they describe their positions.

But the use of the term “legal assistant” to describe a secretary creates confusion in the marketplace. The only time a person should refer

to himself as a legal assistant (or paralegal) is when he is doing non-clerical work that requires substantive legal knowledge and is considered billable.

Adopting a title that cannot be confused with an established title with a specific definition would be a better choice. How about “legal administrative assistant?”

The Hybrid Paralegal/Legal Secretary

It has become popular to hire someone with paralegal/legal secretary experience to work in a crossover position. Should this person call herself a “legal secretary,” “legal assistant,” or “paralegal?” Clearly, there should be a title that takes into account both positions, but one that does not lead a third party to mischaracterize the person.

Recently a paralegal asked me if someone with a paralegal degree functioning as a legal secretary should refer to herself as a paralegal. In this case, the person was doing clerical work and wanted to sign her correspondence with the paralegal title. Herein lies some confusion. If a person graduates with an engineering degree and her job is greeting customers at Wal-Mart, is her job title “engineer?” The title should accurately describe the function the person is performing.

Michigan Court Rule 2.626

According to Michigan Court Rule 2.626, a “legal assistant” is someone who performs billable, non-clerical work. Although the rule does not use the term “paralegal,” both terms apply. It was the SBM *Legal Assistants* Section that promoted this court rule, so it is not surprising that the court adopted its term.

What is the Consensus?

If there is any consensus at all, it is that only individuals who perform billable, substantive legal work may refer to themselves as “paralegals” or “legal assistants.” Clerical workers should either use the term “secretary” or “administrative assistant” or opt for a title that has not already been adopted by the paralegal profession. This would help keep the terms distinctive and be far less confusing to clients and others.

In the meantime, what do you do for a living, and what is your title?