

PARALEGAL TODAY™

TWO WORDS: VIRTUAL PARALEGAL

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Virtual Paralegal: a paralegal who works virtually. Simple enough, right? Oddly, no.

For years, paralegals have continued to explain and define their role to the legal industry and the world at large. Admit it, in the not too distant past someone asked you, “What is a paralegal?” or “What does a paralegal do?” and the inevitable, “Why not just become a lawyer?” Add to that the misperception over what a virtual paralegal is and does, and well ... to paraphrase a well-known quote made by fictional character Inigo Montoya in *The Princess Bride*: You keep using those words. I do not think they mean what you think they mean.

Ever since I hung my virtual paralegal shingle, I seem to have a lot more “splaining” to do. For instance, I am not now nor have I ever been a

hologram. Silly? Perhaps, but put me in a room full of lawyers and, without fail, someone will ask if I’m real or a projection. Oy!

Paralegals are, as defined by the ABA, individuals “qualified by education, training or work experience who are employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who perform specifically delegated substantive legal work for which a lawyer is responsible.” [Emphasis added.] Virtual: that which occurs on computers or on the Internet. In this context, virtual refers to the means by which tasks are assigned and services are performed and delivered.

Therefore, a virtual paralegal is a paralegal: a degreed, experienced,

trained, certificated, possibly certified, individual who, rather than work in a traditional office, employs technology to provide a 21st century staffing alternative to lawyers who do not require the services of a full-time paralegal or who, from time to time, require additional assistance. Allow me to emphasize, virtual paralegal services are provided to lawyers.

Virtual Paralegals Are Not

Have I mentioned, virtual paralegals provide paralegal support, virtually, to lawyers? However, a paralegal who uses a computer to “work from home” for just one company/firm and receives benefits is probably a telecommuting employee, not a virtual paralegal. Make sure you know and understand the difference – trust me, the



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IRS will.

Contrary to what the general public and some of our own may think, virtual paralegals are not inexpensive alternatives to lawyers, nor do we want to be. All paralegals, whether virtual, freelance, or traditional (this includes those special classifications of “independent legal service providers” as defined by legislation in Arizona, California, Florida, Oregon, and Washington) are bound by the same ethical restrictions and prohibitions against the Unauthorized Practice of Law and, therefore, do not provide services to the general public.

Virtual Paralegals Are

In addition to being top-of-their-field professionals providing paralegal support to multiple attorneys often in various jurisdictions on any given day, they are also responsible for their own day-to-day business operations. As small business owners (translation: self-employed), virtual paralegals are crazy busy. Once you go virtual, the job changes from 9 to 5, Monday through Friday to all-the-time, anytime, every day. In a typical 12-hour workday, I answer calls/respond to emails and texts from existing and potential clients; contend with the misinformed general public; draft, revise, and e-file pleadings; collaborate with clients and colleagues on new projects; blog, post, write; input my time (in 6-minute increments); manage my calendar, to-do lists, finances; develop and implement marketing strategies; and anything

else that “needs to be done.”

Getting Down to the Nitty-Gritty

Working virtually has its pluses and minuses. Pluses feature: no commute, reduced fuel expenses, flexible schedule, freedom to work from practically anywhere at any time, work with a wide variety of attorneys, and choose to accept/decline clients or projects. Minuses include: self-employment taxes, insurance, business and office costs, no real down time, and inconsistent income.

Before you trade-in your brick-and-mortar job, consider the following:

1. Are you a trained, experienced paralegal with a verifiable work history?
2. Why do you want to work virtually?
3. Can you afford to be self-employed?
4. What do you know about running a business?
5. Are you comfortable working in relative isolation?

To have a chance at being successful as virtual paralegal, you need to have, at the very least, five years of solid, real world, in-office paralegal experience. This is not a viable career path for a recent paralegal graduate. However, it can be the ideal business opportunity for a transitioning, seasoned paralegal. With the right training, tools, mentor(s), and coach, experienced paralegals can reinvent themselves and their careers.

Many who pursue virtual careers desire more flexibility and control over their time and schedules; some

are simply tired of being cogs in someone else’s machine; while others are victims of downsourcing with “too much experience” for re-employment. Shifting focus, changing the rules, and working independently can make more sense. Working virtually, however, is not for anyone who thinks working from home translates to fewer demands on their time or that it is a good way to get that much sought after “work experience.”

It can take five years or more to establish a virtual business or reach the breakeven point, much less realize a profit or steady income. Small business owners work without the luxury of a salary or paid benefits and are responsible for supporting themselves and everything business related. Consider your budget and costs, both personal and business. Business costs add up quickly: certification(s); CLEs and conferences; professional dues and subscriptions; insurance, licenses and registrations; office equipment, supplies and furniture; hardware and software; tech support and backups; phone/phone system; marketing costs (business cards, letterhead, web hosting and design); and more. Inevitably hardware, software, and technology will fail, clients will pay late or not at all, and, yes, you will get sick. So it is crucial to have funding and capital before making the transition.

Finances are not the only pre-launch consideration. There are legalities to address. You should consult an attorney (really!) to discuss the best way to organize

your business, draft contracts and service agreements, and identify which business licenses, permits, etc., are required, and any potential copyright or intellectual property issues. You will be bound by laws of the state in which your business is organized, even if your attorney clients are located in other states. Familiarize yourself with local state bar rules and local paralegal association opinion(s) concerning providing “non-traditional” services.

Being a virtual paralegal involves so much more than merely sitting at a computer in your home office and paralegaling. Although there are advantages to working from home, it can be very frustrating and lonely for anyone who is used to the structure and camaraderie of a traditional office job. It takes a lot of self-discipline, patience, and gumption to keep going. Working alone means no more built-in accountability or onsite oversight and, although there may not be any more office drama and gossip, there is also no one to chat with face-to-face during your coffee break. Until you are firmly established, you will work twice as hard and twice as long for half the compensation; every hour billed to a client is offset by at least an hour of administrative, non-billable time. And even though the dress code is more relaxed, it is still considered bad form to work in your jammies.

Still Ready to Hang Your Virtual Shingle?

Good for you! Find a mentor and coach – not necessarily the same person – to help you gather and develop the tools you need to be successful. Create business and

marketing plans and be realistic about your goals. Nurture all existing relationships and cultivate new ones with anyone in the legal industry, or even on the periphery, because you never know how your next client might hear about you. Welcome to sales and marketing; every conversation is a potential mini-interview or pitch. Hone your message.

Pricing Your Services

Setting fees can be tricky. Before you establish your fees: (1) determine what the market will bear; (2) decide what services you will offer; (3) how services will be packaged and delivered; and (4) whether you will bill flat rate, per project, or hourly. Then (i) identify and learn about your target market and how they do business; (ii) apply a value to your professional experience, reputation, and credentials; and (iii) incorporate a percentage of your overhead costs.

Potential Confidentiality Issues

As paralegals, we understand about confidentiality and conflicts. Virtual paralegals tend to work with multiple attorney clients on a myriad of cases and matters. Although rare, there is always a chance that you will find yourself conflicted out. Maintain a record of clients, cases, and parties so you can advise your clients of any potential conflicts before they become issues. The other concern is confidentiality. With the recent ‘Heartbleed’ incident and other security breaches and the nature of the information shared between client and attorney, attorney and paralegal, and ultimately with the courts, it is incumbent upon the paralegal to ensure that all data is

being properly protected during transmission and while being stored.

The Best Job I Never Had

You’ve heard the expression, “it’s not just a job, it’s an adventure.” Becoming a virtual paralegal has been one of the greatest adventures of my life. I genuinely love what I do and the people with whom I work. Every challenge has given me new insight and appreciation for our industry and increased my confidence. I have become more creative (and outspoken), returned to school, and earned the recognition and respect of my peers and the legal community – many of whom I only know virtually.

It is true that working as a virtual paralegal is not all rainbows and unicorns. If it were, everyone would be doing it. It is, however, rewarding and exciting for anyone up for the challenge.

Could that be you?

