

# What can paralegals bill their time for?

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One of the most common challenges that new attorneys face is knowing the answer to the question of “can I bill for this task?” Clearly, showing up in court, talking to your client about his or her legal issues, and drafting legal documents are all billable tasks, but what about making copies after the secretary has left for the night? Oftentimes, more senior attorneys do not provide clear answers to these questions, and guesswork often comes into play. When your client is the one bringing up these questions on a bill reflecting questionable tasks at attorney rates, then you might face a whole lot more scrutiny, resulting in delayed payments, disputes, and general loss of goodwill that can affect future business and referrals. Paralegals often face these same questions, and it is your job as the attorney to provide clear guidelines on what types of tasks paralegals should bill their time for to the client.

## What Exactly Are Paralegals?

The job of a paralegal is not always clearly defined. Lawyers, of course, are heavily regulated by the bar associations of the states in which they reside. A person cannot hold themselves out as a lawyer or conduct attorney work unless they have passed the bar examination, been admitted to the state bar, and continue to honor the state bar regulations.

Paralegals, on the other hand, generally are not required to hold any specific license or certifications, and while there are paralegal educational programs, their job is mostly circumscribed by what they cannot do as opposed to what they can do. The paralegal profession arose in the 1960s as a way to increase the availability of legal services to more socioeconomic classes, and thus empowered individuals who might have been considered “legal secretaries” in the past to do more legally substantive work.

Thus, rather than simply doing secretarial tasks such as typing and filing which do not require legal skills, paralegals could assist attorneys by doing legal work under the direction of the attorney such as preparing legal filings and researching legal guidelines and precedents. What paralegals cannot do is provide legal advice to clients, represent them in court, set legal fees, or other tasks prohibited by state bar associations.

## **So What Can Paralegals Bill Time For?**

This brings us to the heart of our question: what types of paralegal tasks should be showing up on a client bill and what should not? You will again want to refer to the applicable rules for your specific state bar association, but a general principle across jurisdictions is that your bill should reflect time that requires the use of legal skills and that an attorney might otherwise do on his or her own but has delegated to the paralegal to do with the attorney's supervision. These tasks include, but are not limited to:

- Finding and pulling relevant caselaw, statutes, or other legal precedent
- Determining whether legal precedent is still good law
- Checking citations or other tasks to ensure legal accuracy
- Assisting in discovery, e.g. review of documents, collection of relevant materials from the client, transmission to the court and opposing parties, etc.
- Preparing forms, correspondence, and other legal documents

What is a properly billable use of time may not always be clear, and, ultimately, your client will often will be the decision-maker for what you are actually able to collect with regards to a paralegal's hours. Thus, creating a professional-looking bill with proper time entries and a mutually beneficial approval process can go a long way in improving your collection efforts.

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