



# *Paralegals*

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United States Department of Justice  
Law Enforcement Assistance Administration  
National Institute of Law Enforcement and Criminal Justice

The use of nonlawyer legal assistants is increasing in all stages of the criminal justice process. This bibliography documents the various work settings for paralegals — police, courts, prisons — and provides criminal justice administrators with sources of information about this growing phenomenon.

Paul Cascarano, *Assistant Director*  
National Institute of Law Enforcement  
and Criminal Justice

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# **PARALEGALS**

## **A Selected Bibliography**

compiled by

**Anthony A. Cain**

**Janet Fisher**



**Marjorie Kravitz**

Supervising Editor

**National Criminal Justice Reference Service**

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National Institute of Law Enforcement and Criminal Justice**



**Law Enforcement Assistance Administration**

**Henry S. Dogin**

*Administrator*

**Homer F. Broome, Jr.**

*Deputy Administrator for Administration*

**National Institute of  
Law Enforcement and Criminal Justice**

**Harry M. Bratt**

*Acting Director*

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## INTRODUCTION

The criminal justice system in the United States has experienced more changes in the last two decades than it has in its entire previous existence. The attention of practitioners in the justice system has been focused on arrest procedures, court reorganization, sentencing methods, and rehabilitation procedures. The goals of these reforms include reducing the time between arrest and case disposition without infringing civil and constitutional rights. High priority has been placed on increasing productivity at each stage of the criminal justice process.

Lawyers, historically known as officers of the court, have not been overlooked in the waves of reform. To increase productivity, attorneys began using paralegals or nonlawyer associates to perform such tasks as legal writing, investigation appeal, and sentencing appeal recommendations. It is apparent that there are two distinct advantages to the use of paralegals: (1) well-trained paralegals can perform lawyer-related duties at a faster pace than lawyers because of their expertise and (2) their lower salaries reduce legal costs. Use of paralegals enables attorneys to increase their caseload and to spend more time in court and advising clients.

Paralegals have proven effective and are being used by prosecutors, public defenders, correctional services, and law enforcement agencies. If manpower deficiencies, backlogs, and budget restraints continue, paralegals may be the answer to many of the problems that the criminal justice system now experiences.

This bibliography has been compiled to highlight the emerging literature on this fast-growing aspect of criminal justice. Three distinct types of paralegals currently serve the public and the criminal justice system: those who are employed as professional paralegals, those who serve in a paralegal capacity as part of their law school experience, and those self-trained inmates of correctional institutions who advise other inmates.

This bibliography contains documents selected from the National Criminal Justice Reference Service data base that describe the roles and responsibilities of paralegals. The citations are presented in three sections that distinguish between career paralegals and other persons serving in paralegal capacities.

- Career Paralegals. These documents describe the rules, training, certification, and restrictions of the paraprofessional legal assistant. Programs that use paralegals are also described and evaluated.
- Student Interns. These documents explain the rationale and placement of law students in paralegal positions as part of their training.
- Inmate Paralegals. These selections address the role, training, and impact of the "jailhouse" lawyers--inmates who study legal procedures and advise other inmates.

Information about how to obtain copies of the documents cited may be found on the following page.

## HOW TO OBTAIN THESE DOCUMENTS

All of the documents in this bibliography are included in the collection of the National Criminal Justice Reference Service. The NCJRS Reading Room (Suite 211, 1015 20th Street, NW., Washington, D.C.) is open to the public from 9 a.m. to 5 p.m. Many of the documents cited in this bibliography may be found in public and organizational libraries. All of the documents cited are also available in at least one of the following three ways:

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# **CAREER PARALEGALS**

1. ACCREDITING AND LICENSING OF PARALEGALS. Clearinghouse Review, v. 7, n. 8:475-476. December 1973. (NCJ 57109)

California Assembly Bill 1814, recommended by the State Bar Association, establishes licensing of paralegals and accreditation of training programs. The case against the bill is presented. The proposed bill would establish the state bar as the agency to regulate and accredit training programs for paralegals and to develop and enforce licensing procedures. The issue is important since use of paralegals is the key factor in delivering cheap and efficient legal services to all citizens, including lower income persons who are usually not able to afford such services. The National Paralegal Institute and a group of legal services attorneys and paralegals agreed to oppose the bill, stating these reasons: (1) training programs and methods of teaching paralegals are in developmental stages, and it would be premature to establish formal accrediting procedures; (2) many persons attending paralegal programs come from the lower class or minority populations and find it difficult to pass examinations geared to white, middle-class values, making it likely that licensing requirements would discriminate against them; (3) the legislature should solicit the views of practicing paralegals, government agencies, public interest lawyers, and the public itself before deciding on the licensing and accrediting issue; and (4) the National Commission on Accrediting has recommended that accreditation policies be determined by national bodies responsive to the needs of the public and special interest parties, finding it inappropriate to place the responsibility for accrediting and licensing paralegals in the hands of the State Bar Association.

2. AMERICAN BAR ASSOCIATION. Offender Legal Services: A Technical Assistance Manual. Washington, 1976. 106 p. MICROFICHE (NCJ 39933)

This report is an updated analysis of the legal bases of the asserted right to inmate legal services and the problems and methods of providing such services. The manual is divided into three major sections, the first of which presents the constitutional parameters of providing legal services to prisoners. Supreme Court decisions are discussed. The second section covers the reasons and needs for providing services. Existing programs such as law school clinical programs, public defender systems, volunteer programs, and the use of paraprofessionals are described and evaluated. The third section discusses the need for properly organized prison law libraries with trained staff. Recommendations are given as guidelines for the development of prison legal services. Appendixes include descriptions of programs and standards, and a listing of law schools with prisoner assistance programs.

3. AMERICAN BAR ASSOCIATION. Special Committee on Legal Assistants. Certification of Legal Assistants. Chicago, 1975. 31 p. (NCJ 56998)

This report by the American Bar Association's Special Committee on Legal Assistants contains a summary of study findings regarding certification of legal assistants. The study consisted of two segments: an examination of certification in other professions and a survey of participants at public hearings held in four major cities across the country to gather opinions on the need and qualifications for legal assistant certification. The pattern of credentialing is most pervasive in the health professions. The licensing of health professionals began in the late 1900's, and many other health-related professions have adopted the pattern. Nursing inaugurated a certification program in 1958: the requirement for certification in any nursing specialty includes a license to practice, current engagement in clinical practice, and practice as a registered nurse for 2 or 3 years following completion of the basic educational requirements and a written or oral examination. Control of certification usually is vested in a board. The statements and comments made at the open hearings indicate the following: there is minimal support for certification, even though two national organizations and one or more state bar associations do offer certification; there is widespread encouragement for a study to identify the feasibility of such a program and its organization needs and procedures; and there is support for accreditation of legal assistants' educational programs. The study concluded that initiation of a certification program would be premature; the occupation is still in a developmental stage, and if certification eventually is initiated, the goal of the program should be to make legal services less expensive and more effective. Additional survey findings and committee recommendations are provided.

4. \_\_\_\_\_ . Special Committee on Legal Assistants. Legal Assistant Education. Chicago, 1974. 72 p. (NCJ 54881)

The proceedings of the American Bar Association's (ABA) Special Committee on Legal Assistants Conference are presented. The committee selected guidelines for approval of legal assistant training programs. The special committee was established to study the following: (1) the tasks which could be performed by legal assistants, (2) the nature of training required for legal assistants, (3) the role to be played by the legal professions in providing such training, (4) the desirability of recognizing the competence and proficiency of legal assistants, and (5) appropriate methods for developing, encouraging, and increasing the training and use of legal assistants. Conference speeches and workshops concentrate on training, program placement of paralegals, admissions to legal assistants training programs, administration of such programs, ABA criteria for

approving training programs, and program evaluation and self-reporting. Paralegal programs should include an introductory or survey course on the historical development of law, the court system, and basic tort and contract law, courses in interviewing, legal research and writing, and perhaps offer an internship. A legal assistant training program can seek ABA approval after 2 years of full operation. The parent institution must provide the resources necessary to accomplish the objectives of the program, maintain equality of opportunity, and present a program at the postsecondary instructional level consisting of at least 60 semester hours. Other guidelines are presented as well as instructions for self-evaluation, a process necessary for ABA approval.

5. \_\_\_\_\_ . Standing Committee on Legal Assistants. Survey of Non-degree Legal Assistant Training in the United States. Chicago, 1976. 84 p. (NCJ 54880)

The American Bar Association Standing Committee conducted this survey to determine the variety of nondegree legal assistant training programs and to assess their acceptability in training legal assistants. The different categories of programs studied included the following: continuing legal education programs, legal aid offices programs, district attorneys' programs, legal assistant associations, governmental agency programs, and proprietary schools. Questionnaires were sent to 562 of these organizations. The survey response indicates that there is a vast amount of activity in the development of nondegree legal assistant programs in the United States to train legal workers in a variety of substantive areas of law and train lawyers in using legal assistants. Continuing legal education programs range from 1-day seminars to 20-week courses, and training sessions for legal aid and district attorney programs are often inhouse continuous processes. All concentrate on teaching skills such as writing, interviewing, negotiation, legal research, screening, protection of evidence, witness contact preparation, and preparation of routine pleadings, documents, and summaries. Legal assistant associations span the United States and include local groups and national professional organizations. Some of the associations are directed toward sharing information among members, providing an organized voice for legal assistants, and adopting a national certification procedure while others offer training programs in areas such as family law, paralegal professionalism, and basic research. Government and law firm paralegals receive inhouse, on-the-job training on an informal basis. Proprietary schools require enrollees to take entrance examinations, use training lectures and workshops, and offer internships. Courses range from 13 weeks to 11 months. The survey instrument and a selection of responses are provided.

6. BAILEY, V., N. KLEEMAN, and R. RING. Paralegal Functions and Legal Constraints. Clearinghouse Review, v. 9, n. 2:851-861. April 1976. (NCJ 53486)

An overview of paralegalism is presented, with emphasis on factors in determining what functions may be legally performed by paralegals. Some of the problems facing the legal profession are noted, as are ways in which paralegals can offer solutions. Paralegal functions and training programs are described briefly. Statutory and judicial authorization for paralegal activities (i.e., authorization for non-lawyers to engage in law-related activities) is discussed. The American Bar Association (ABA) Code of Professional Responsibility provisions related to authorization of paralegal practice under the supervision of an attorney are reviewed. U.S. Supreme Court decisions reflecting a liberalizing trend toward allowing nonlawyers to perform functions which at one time could be performed only by attorneys are cited. Factors in deciding whether a particular act by a paralegal constitutes unauthorized practice of law are considered. The economics of paralegal employment is discussed briefly, with reference to an ABA study that contrasted income and time allotments under the traditional law practice approach and the legal assistant/law corporation approach. The findings of the National Paralegal Institute's 1975 survey of state bar associations regarding paralegal activities are summarized. Recommendations for enhancing the preparation and utilization of paralegals are offered. It is concluded that, equipped with training, manuals, and checklists, aided by standardized procedures and forms; and subject to careful supervision by attorneys, paralegals can contribute greatly to the satisfaction of well-documented needs for legal assistance. State legislatures, State courts, and the ABA are urged either to meet the public's legal needs or reevaluate their positions on what constitutes the practice of law, with a view to turning over certain currently proscribed activities to skilled, supervised paralegals.

7. BIGGS, B. E. and J. C. FUNK. Group Methods in Training Paralegals for the Los Angeles City Attorney's Office. Group and Organization Studies, v. 1, n. 1:67-81. March 1976. (NCJ 43958)

Methods used to teach paralegals how to handle misdemeanor cases in the Los Angeles City Attorney's Office are described and evaluated. The purpose of the hearing officer program is to free attorneys who had been serving as hearing officers and to provide more extensive services to the public. The training program was designed to help the paralegal hearing officers define their roles and experiment with them; recognize the levels of process within their tasks; become aware of the relationship between self and role; listen carefully, hear accurately, and communicate clearly; integrate legal and psychological information; and form a close, supportive group that would encourage personal and professional growth. The training program

began with lectures and group discussions and moved on to role-playing and feedback sessions. The 2-week course concluded with a 3-day out-of-town retreat. Of the 10 training group members, 8 were former police officers. The group included three women and seven men. In the hearing officer program's first 6 months of operation, hearing officers diverted 7,965 cases from the judicial system. It is estimated that the paralegal officers will save the city at least \$125,000 per year. Details of training techniques, trainees' comments concerning the training program, and subjective evaluations of the paralegals' performance are included.

8. BUFORD, A. D. 3D. Nonlawyer Delivery of Legal Services. In Rifai, M.A., Ed., Justice and Older Americans. Lexington, Massachusetts, D.C. Heath and Company, 1977. p. 109-116. (NCJ 44347)

The training and qualifications of paralegal personnel and the law-related services that paralegals and other nonlawyers can provide for elderly persons are discussed. Paralegals are not entitled to practice law but can assist attorneys by doing research, drafting documents, gathering facts, investigating, assisting in preparation for litigation, and performing other tasks formerly done by attorneys. Paralegals are active in legal services to the poor and in special programs for senior citizens. Here the paralegals often interview clients, take preliminary steps to help resolve law-related problems, and, in consultation with attorneys, assist in the assertion of legal rights. Federal regulations allow paralegals and other nonlawyers to handle a client's case through the hearing stage when the client is seeking public benefits. Paralegal programs for the elderly offer employment opportunities to older persons and extend services to elderly people who cannot retain an attorney. The Oregon State Bar is the only bar to have established a certification process for legal assistants. The National Paralegal Institute (NPI) is concerned about developments in paralegal certification and in accreditation of paralegal training programs. In addition to paralegals, community service advisors (e.g., caseworkers, information and referral specialists, and outreach workers employed by social services agencies) assist clients with law-related problems. The NPI is involved in training community service advisors employed by area agencies on aging in such matters as public benefits, income maintenance, preventive law, community education, protective services, Medicare and Medicaid, and nursing home advocacy.

9. DALLAS POLICE DEPARTMENT. Dallas Police Department: Five Year Plan. Dallas, Texas, 1972. 347 p. MICROFICHE (NCJ 10384)

The goals, objectives, strategies and implementation measures of a plan to increase police effectiveness and improve delivery of police

services in the period 1972-77 are delineated. The major features of this plan are decentralization of police service, development of generalist-specialist police officers, team policing operations (with support to teams by noncommissioned officers performing selected, routine functions and by paralegal assistants providing legal advice), and development of a resource tracking and information delivery system. Acceptable progress toward each goal by 1977 is spelled out in a series of posture statements. Progress is marked by the attainment of established short-, middle-, and long-term objectives. Organization charts, operations flow charts, manpower tables, and master program schedules are included.

10. FRY, W. R. Florida Legal Services Paralegal Project. Florida Bar Journal, v. 48, n. 742:742-744. December 1974. (NCJ 52868)

Features of the national movement to use paralegals by attorneys are examined, with emphasis on the emergence of a distinct paralegal profession and training for paralegals in Florida. The Special Committee of Legal Assistants was established by the American Bar Association in 1969 to promote the training and use of paralegals. Over 70 community colleges and universities offer paralegal training programs. These programs range in duration from several weeks to several years and in content from trust and estate specialization to a curriculum resembling that of law schools. The focus of the National Paralegal Institute and the Florida Legal Services program is on training and stimulating the use of paralegals in the public law sector. The public law sector includes the Office of Economic Opportunity, legal services programs in the State, senior citizen agencies, welfare rights and consumer organizations, and government agencies. The greatest area of responsibility for public law paralegals is in administrative law cases. Paralegals need training in three areas: (1) basic concepts (role of the paralegal, relations with attorneys, unauthorized practice and ethics, and functions of an advocate in administrative representation); (2) skills that encompass client interviewing, analysis of documents, negotiations with administrative agencies, legal research, and preparation for representation at administrative hearings; and (3) knowledge about the particular area of law in which they are to work. Traditional means of standardizing and controlling paralegal issues by the bar are accreditation of training and licensing or certification of an occupation. The only State to have considered paralegal legislation is California. The Florida Legal Services program represents an instance where attorneys, educators, legal services projects, paralegals and other interested groups collaborated in studying the paralegal movement and considering rules and standards that should ultimately be set.

11. \_\_\_\_\_ . Short Review of the Paralegal Movement. Clearinghouse Review, v. 7, n. 8:463-469. December 1973. (NCJ 57108)

This paper discusses the nature and extent of the paralegal movement, the forces at work in it, the training programs being established for paralegals, and important issues being debated regarding paralegal use. Paralegals are specially trained personnel who work under the direct or indirect supervision of attorneys on the kinds of problems attorneys traditionally have handled. A recent survey by the National Paralegal Institute shows that 127 out of 280 legal services offices funded by the Office of Economic Opportunity (OEO) make use of paralegals. More than 70 percent of these paralegals have had college training, and some have had postgraduate training. OEO paralegals perform a wide range of services including interviewing clients, negotiating with government agencies on behalf of clients in public entitlement cases, representing clients at administrative hearings, and investigative work. A number of profit-making organizations, community colleges, 4-year colleges, law schools, and government agencies have begun paralegal training programs. These programs vary in quality and scope, but many imitate the general outlines of the American Bar Association (ABA) suggested curriculum. Several national organizations have taken an interest in the paralegal movement, including the ABA which published a set of recommendations for paralegal training suggesting various college programs for legal secretaries, assistants, and administrators. The National Paralegal Institute, formed under a grant from OEO, designs training materials and researches the field of training and using paralegals. The American Association of Law Schools created the Committee of Paraprofessional Legal Education, and the National Consumer Center for Legal Services emphasizes efficiency techniques to reduce the cost of legal services to its members. Several issues concerning paralegals are debated including the training of legal assistants (location of training, training in public law versus private law, design of training programs); accreditation and licensing of programs and paralegals; ethical issues concerning the use of non-attorneys to perform functions traditionally done by attorneys; and the role of law schools with relation to paralegal training.

12. GOLEC, A. M. Legal Investigator and the Administration of Justice. Judicature, v. 58, n. 3:134-136. October 1974. (NCJ 25414)

The training and role of the professional lay legal investigator to assist attorneys in case preparation are discussed. The establishment of the National Association of Legal Investigators and development of a strictly enforced code of ethics are briefly described.



13. HAEMMEL, W. C. Paralegal Legal Assistants: A Report of the Advances of the New Paraprofessional. North Carolina Bar, v. 21, n. 2: 18-35. 1974. (NCJ 52957)

An overview of advances in the education and employment of paralegals is presented. A definition of the legal paraprofessional is offered and the functions performed by paralegals are discussed. The large number of lay persons (legal secretaries, insurance claims adjusters, bank loan officers, debt collection agents, etc.) who have long engaged in legal or quasi-legal service functions is pointed out. The growing need for legal services and the potential of the paralegal to meet that need are discussed. The American Bar Association's cost-effectiveness comparison of the traditional law practice and the legal corporation/paralegal structure is cited. The history of the paralegal movement is traced, with special attention to the rapid expansion of paralegal education programs that has taken place since 1969. Highlights from surveys of paralegal program course offerings, enrollments, and admission requirements are cited. Problems that confront new paralegal programs are illustrated in an account of a Cleveland, Ohio, paralegal program that failed. The newness of paralegal programs is said to create the main problem. Confusion about the paralegal's role and functions appears to trouble some consumers, lawyers, educators, and paralegals themselves. Due to the newness of paralegal programs and the limited number of graduates, adequate evaluations of the program have not yet been possible. Another problem concerns the question of the proper structure and level of the paralegal's education. It is suggested that business law professors are in the best position to create, direct, and teach in paralegal programs.

14. JACOBS, R. C. College Curriculum in Criminal Justice: Employment Prospects for the Graduates. Ellensberg, Washington, Central Washington State College, 1972. 89 p. MICROFICHE (NCJ 18022)

A study of Washington State manpower needs is presented and the value of college-level criminal justice education for police officers, corrections workers, parole and probation workers, court administrators, and legal assistants is discussed. For each profession this research focused on two questions: whether employment within the profession was to be available at all in the coming years in the State of Washington, and the whether the kind of training program envisioned for the Central Washington State College would adequately prepare students for entrance into such jobs. In general, it was found that such a training program would be feasible from the point of view of employment, and that it is also seen as desirable by responsible professionals already in the field.

15. LARSON, R. A. Legal Paraprofessionals: Cultivation of a New Field.  
American Bar Association Journal, v. 59:45-48. June 1973.

(NCJ 56997)

A University of Minnesota program trains legal paraprofessionals--secretaries, assistants, and administrators. The program's requirements, structure, and content are described. The curriculum of the paralegal program is multilevel, offering a 1-year sequence for legal secretaries, a 2-year degree program for legal assistants, and a 4-year degree program for legal administrators. The program is open ended so that a student may progress to the level appropriate to individual interests and abilities. A curricular model was prepared after one recommended by the American Bar Association and included four components--general education, related business courses, specific technical legal courses, and internship experience. Courses include natural, behavioral, and social sciences, communications and humanities, basic accounting procedures, business correspondence, data processing, and the traditional business law sequence of contracts, agency, and negotiable instruments, real estate law, litigation and trial practice, estate planning, legal research, taxation, domestic relations, and criminal law. Special courses in legal administration are taught by practicing lawyers. Placement of interns for the fourth program phase has been a problem, since many firms find it difficult to employ help temporarily, monitor the interns' progress, and provide evaluation reports. Although enrollment interest and institution support for the training program concept are encouraging, program success cannot be calculated until results on placement in careers are available. No references are included.

16. \_\_\_\_\_ . Training and Use of Legal Assistants: A Status Report.

Chicago, American Bar Association, 1974. 61 p.

(NCJ 15462)

Information is presented from educational institutions, employing law firms, and practicing legal assistants on the qualifications, work assignments, and training programs of legal paraprofessionals. At the time the data were collected, 33 formal programs for preparing legal assistants were in existence. These programs are identified and described briefly in an appendix to this report. A number of additional programs are being planned and it appears that the number will increase significantly in the next few years. Though paralegal programs are being offered and probably will continue to be offered through a variety of institutions, the 2-year college appears to be the most commonly used vehicle. There is a difference of opinion as to whether legal assistants should be trained as specialists or generalists. Both kinds of programs are now operating effectively. The responses in this study by both employing firms and practicing legal assistants indicated a preference for specialized training, but this may be because the majority of respondents represented large law firms where the use of specialists is more

prevalent. Although mathematical correlations were not computed, there was considerable agreement between employing lawyers and practicing legal assistants in their responses to many of the questions asked. For the most part, as groups, they agreed on the characteristics deemed necessary for successful performance as legal assistants. Similarly, their concept of the role of paralegal personnel and their identification of the duties being performed seemed highly consistent. Both groups, however, indicated that the range of activities that legal assistants perform could be broadened considerably. The appendixes contain brief formal program descriptions and tabulated numeric data from responding firms and legal assistants.

17. \_\_\_\_\_ . The Significance of Paralegals in the Legal Services Programs. Washington, 1975. 266 p. (NCJ 56366)

This report on paralegal use within the Community Services Administration's Legal Services surveys paralegal use and training and recommends models for paralegal planning, training, and supervision. The report summarizes the paralegal movement in public and private law and offers a statistical profile of paralegals working in legal services. The profile is based on the findings of two national survey questionnaires sent by the National Paralegal Institute (NPI) to project directors and legal services paralegals. The profile provides data on the age, education, background work experience, and demographic characteristics of 531 paralegals across the country, as well as an analysis of their functions, working structures, funding, salaries, amounts and kinds of training received, and work attitudes. A survey of 14 legal services projects (representing about 20 percent of legal services paralegals) is also presented along with an outline of various sources of non-Community Services Administration funding available to pay paralegals. The second section of the report addresses the design and implementation of a plan to use paralegals. It covers caseload analysis, types of paralegal functions (the generalist, specialist, intake interviewer, and outreach worker), and planning for and structuring employment. Recommendations are provided on recruiting, screening, and testing applicants and on developing an orientation-apprenticeship period for new paralegals. The third section suggests training and supervision options and models and describes current NPI programs and experiments in disseminating training throughout the United States. The NPI programs are 1-week intensive workshops during which reading materials, lectures, panels, individual tutoring, video tape and live demonstrations, and simulations are used for instruction. Models for orientation, supervision, and utilization of outside resources for small- and medium-sized programs are presented; models for larger projects capable of providing their own substantial training also are described. The appendixes contain the survey instruments and data, model training schedules, and a list of NPI training and job materials.

18. PALMER, J. W. Police Paraprofessional: An Alternative to the Police Legal Advisor. Police Chief, v. 40, n. 12:56-57. December 1973. (NCJ 12011)

The suggestion is made that police officers with legal training can adequately and economically replace the attorney employed as the departmental legal advisor. The police paraprofessional concept is the basis of a program financed by LEAA and coordinated by the Columbus, Ohio, Police Department and the Capital University Law School. Selected veteran police officers will attend 3 years of law classes while continuing normal police duties and, thereafter, will serve in advisory capacities. Paraprofessionals, the author contends, are as competent in law as attorneys and are clearly more economical than attorney advisors.

19. PARALEGAL UPDATE: NATIONAL LEGAL ASSISTANT CONFERENCE CENTER NEWS-LETTER. Paralegal Update, v. 1, n. 1:complete issue. October 1976. (NCJ 57017)

This newsletter for paralegals provides conference notes, information on paralegal studies, and selected articles on the role of the paralegal and topics of interest to practicing legal assistants. The American Bar Association accredits some 20 schools across the nation for paralegal studies. In California, the State University at Los Angeles, Pepperdine University, the University of California at Los Angeles, the University of Southern California, and the University of West Los Angeles all provide paralegal programs leading either to bachelor's degrees or certificates of paraprofessional training. However, although the concept of the legal assistant as an emerging profession has rapidly become accepted, several aspects of the paralegal enterprise remain controversial. One of the considerations is the unauthorized practice of law by legal assistants. There appears to be agreement that the paralegal may only function under the supervision of a licensed attorney and that the attorney must exercise considerable discretion in delegating tasks to the nonattorney. Further, the attorney must not give up the client-attorney relationship to a nonattorney. A workable solution is a client-attorney-paralegal meeting at which the attorney determines the legal issues at hand and then relies on the legal assistant for the necessary data gathering. The most pressing area of legal ethics arises when the paralegal and client interact outside the immediate purview of an attorney. Should a legal assistant err, a client has no recourse but through malpractice suits against the supervising attorney, and as yet, paralegals enjoy no insurance coverage except by extension of an attorney's policy. As a result, it is necessary that the attorney and legal assistant establish the kind of working rapport which will enable the paralegal to assume the attorney's role with an understanding of exactly what may and may not be done in the law office. The best way to achieve this is through an inof-

face training procedure similar to that afforded new admittees to the bar.

20. PHILLIPS, D. D. Analysis of Job Characteristics, Requirements, and Responsibilities of Nonlawyer Administrative Personnel in Law Offices in the United States Court of Appeals, Fifth Circuit. Doctoral Dissertation, University of Mississippi, University, Mississippi, 1978. 176 p. (NCJ 56324)

To ascertain what specialized education and skills legal administrative assistants need to acquire at the 4-year college or university level, questionnaires from 147 law firms with more than 15 employees were analyzed. A 2-part questionnaire was sent to a total of 229 law firms with more than 15 employees each within the jurisdiction of the Fifth Circuit of the U.S. Court of Appeals, which includes the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas. It was found that 76 percent of the 147 firms which returned usable questionnaires employed legal administrative assistants other than secretaries. These assistants received training from a variety of sources: 44 percent from private paralegal schools, 43 percent on-the-job as secretaries, 41 percent from 4-year colleges or universities, 18 percent from junior or community colleges, and 14 percent from such diverse sources as a law student serving as a clerk and from on-the-job training as a paralegal assistant. (Multiple answers were given so these responses exceed 100 percent.) These assistants were asked to do a variety of chores including maintenance of the office "tickler" system, the files, and the law library. They assisted in research and case preparation, contacted clients, collected legal data and evidence, indexed documents, and prepared digests. Tables present detailed job descriptions and an analysis of study data. A total of 30 courses were suggested for job preparation, but the 10 most recommended were legal research, English grammar and composition, legal writing, legal procedures, tax law, accounting, basic law, legal bibliography, and probate and real estate law. A bibliography, the final questionnaire, and a list of participating firms are appended.

21. PINES, B. Noncriminal Solutions for Minor Misdemeanor Complaints. American Bar Association Journal, v. 63:1208-11. September 1977. (NCJ 46858)

The Los Angeles, California, City Attorney's Office has developed a paralegal program of informal office hearings designed to provide noncriminal solutions for minor misdemeanor complaints. During 1976, approximately 18,000 potential misdemeanor complaints were referred for voluntary office hearing. These included assault and battery, malicious mischief, disturbing the peace, petty theft, health

or safety violations, and a variety of other misdemeanors. Cases are set for hearing either through referral of a police crime report, a citizen grievance referral, or referral by a public agency. Hearings are conducted in four branch offices by hearing officers with psychology and sensitivity training. Parties are requested to attend the hearing with supporting witnesses. The parties may be represented by an attorney. Both parties state their positions, and the officer makes a decision summarizing each party's case and stating conclusions and recommendations. Recommendations may include the filing of a criminal complaint, a warning that a complaint will be filed if the contested activity is not ceased, or reconciliation in neighborhood or family conflict cases. Usually a followup procedure is established to insure compliance with the recommendation. The hearing officer then files a summary with conclusions and recommendations for review and approval by the deputy city attorney. Dissatisfied complainants may request a review. The program has benefited residents in a number of ways. The program has resulted in substantial diversion of marginal or minor criminal conduct cases from the courts. During 1976, 94 percent of the cases referred were resolved at the hearing stage. Since continuances are rare, the delay often found in judicial proceedings is avoided. Moreover, the program is not restricted by the time and procedural constraints inherent in criminal proceedings. Family or neighborhood disputes may be settled without the disruption, hostility, publicity, and polarization often incurred by formal court adjudication. Also, the program is effective in obtaining voluntary compliance, provides a forum for citizen grievances, and offers greater opportunity for citizen satisfaction. The office also helps the attorneys responsible for filing cases.

22. REISNER, E. J. Legal Assistants: New Future for the Practice of Law. Wisconsin Bar Bulletin, v. 28:7-15. August 1975. (NCJ 57060)

The need for legal assistants in Wisconsin law offices, where practice is spreading to new fields such as consumer law, is discussed, and guidelines for the use of legal assistants are outlined. Use of paralegals to do work often done by lawyers but not requiring a legal education can result in economic advantages and increased quality of legal services. Lawyers are branching out into new areas and finding a large body of new clients (the middle class and the poor who have consumer, landlord-tenant, and insurance problems) that offers a high volume business with low fee potential. The legal assistant and the legal system approach permit a standardization of legal services at a level above that possible without using legal assistants, offer a greater opportunity to retain and organize past work products, and enable lawyers to select the best work and avoid mistakes or time-consuming practices. Legal assistants, however, must work under the supervision of the licensed attorney, and the attorney must maintain a direct relationship with the client and

assume professional responsibility for the work product. A legal system should be developed to create a structure in which assistants may work. To create a system (i.e., an organized method of accomplishing some specific legal task), lawyers should select one particular area of law and analyze existing office procedures, collect past work products as a basis for the new system, and prepare a set of forms, e.g., office forms, client control letters, interview sheets) and a detailed set of instructions for legal assistants. Many training programs are available to legal assistants, and many of these programs have been developed or assisted in some way by the American Bar Association. State bars are beginning to consider licensure of paralegals. The Wisconsin bar has had little involvement with paralegal training and services, but it has appointed special committees to examine and make recommendations with respect to legal assistants. References are provided.

23. SHAYNE, N. T. The Paralegal Profession: A Career Guide. Dobbs Ferry, New York, Oceana Publications, 1977. 233 p. (NCJ 57110)

This career guide for paralegals, which can be used as a text in paralegal training courses, introduces readers to the paralegal profession, describes duties and functions, and presents an overview of the legal system. The text opens with an overview of the paralegal profession, which grew out of the need to deliver cheaper and more efficient legal services to the public. Paralegals can perform many traditional legal functions (e.g., analyzing legal material, selecting and compiling substantive information on statutes and treaties) that do not require a law degree, are time consuming, and are costly if done by a professional charging high hourly rates. Basic paralegal functions--law office management, interviewing clients and trial preparation, and producing office forms--are discussed in detail. Suggestions are offered for carrying out these functions, and sample office forms, office letters, interview formats and outlines of client information, and sample legal forms are presented. An overview of the American legal system acquaints paralegals with the machinery of the judicial system (courts, jurisdictions, the Federal court system, U.S. District Courts, courts of appeal, the Supreme Court, and the State court systems). Judicial decisionmaking is explained with references to stare decisis (the basis of common law), rule of the case, and conflict law; judicial remedies are described including equitable remedies, jury trials, and common law remedies. Civil and criminal procedures are outlined briefly. The text also discusses paralegal training and education issues and presents sample course outlines in real estate, probate, corporations, negligence and litigation, and general practice law. Typical final examinations are furnished. The final chapter focuses on the job market and obtaining employment and discusses preparation for the interview, writing the resume, and seeking out sources of employment. Sample resumes and interviews are presented. The appendixes contain

the New York State Bar Association's guidelines for using paralegals, the American Paralegal Association code of ethics for legal assistants, the National Association of Legal Assistants' code of ethics, and a selected bibliography.

24. STATSKY, W. P. Introduction to Paralegalism: Perspectives, Problems, and Skills. St. Paul, Minnesota, West Publishing Company, 1974. 725 p. (NCJ 52039)

In this introductory textbook on paralegalism, the paralegal's role in the legal system is examined, along with the requisite skills legal assistant training seeks to develop. The text discusses the characteristics of paralegals, their function and skills, their place within the existing legal structure, the difference between paralegals and lawyers, career possibilities, and the future of society's methods of delivering legal services to the public. Although the primary focus is on the skills of interviewing, investigation, research, writing, administration, negotiation, and advocacy, background information also is provided on the paralegal's function within private and government sector law practice, the ethics of authorized and unauthorized legal practice, the education of paralegals, accreditation and licensure, and the paralegal as a citizen capable of social consciousness and civic responsibility and action. Appended materials include paralegal examinations, summaries of State and Federal court systems, a selected bibliography on paralegalism, additional information on paralegals in government, and a list of groups involved in paralegal matters. Tables and charts are provided, as is an index.

25. What Have Paralegals Done? A Dictionary of Functions. Washington, National Paralegal Institute, 1974. 70 p. (NCJ 57066)

Designed to describe the role of legal assistants in terms of what they have done to date, this catalog of paralegal tasks outlines specific functions and their frequency and requisite levels of skill and supervision. The cited tasks include the administrative, clerical, investigatory, and drafting functions (i.e., librarianship, record gathering, problem identification, informal advocacy, client counseling) needed in legal practice. Tasks used in various legal areas are described. They include law office administration, change of name laws, juvenile cases (e.g., adoption, child abuse, custody, paternity, delinquency), community work, consumer law, corporate law, criminal law, divorce law, draft law, education law, employment law, health law, immigration and naturalization law, general investigations, landlord-tenant law, general litigation, military law, motor vehicle law, petroleum land law, postconviction remedies and corrections law, real estate law, tax law, tribal courts, trusts and



estates law, unemployment insurance law, welfare law, and workmen's compensation law. An outline of the traditional use of and new roles for nonlawyer judges is appended, along with a selected bibliography.

26. STEVENSON, S. R. Using Paralegals in the Practice of Law. Illinois Bar Journal, v. 62:432-438. April 1974. (NCJ 53013)

Reasons for hiring paralegals, ethical considerations in determining paralegals' functions, and professional responsibilities of attorneys and paralegals are discussed in an article directed to attorneys. Generally, the use of paralegals by attorneys is cost effective. If, by using a paralegal, an attorney would save 1 hour of his or her billable time per day, over a period of 45 years, the total savings could amount to an additional \$500,000 income in the attorney's lifetime. Other benefits to be gained by using paralegals are the attorney's freedom to spend more time on truly professional activities, the likelihood that more people will be able to obtain legal services, and the opportunity for nonattorneys to enter the field of law. A review of the American Bar Association Code of Professional Responsibility suggests that using paralegals is ethical. In view of the benefits to be gained, it may be unethical not to use them. The key to the ethics question is the attorney's responsibility to clients for all services performed by the paralegal employee. Paralegals should never engage in activities calling for "legal creativity" (e.g., interviewing a client or attempting to determine what issues of law emerge from a client's story). Such functions are few, particularly in comparison to the number of routine tasks to be performed in the law office. If attorneys are to be held responsible for paralegals' actions, then paralegals must receive competent training so that negligence is minimized. Paralegal training should cover professional responsibility. In fact, there is a general need for a sense of professionalism in the paralegal movement, and attorneys can promote this sense by demonstrating respect toward paralegals and by sharing responsibilities with them. There may be a need for a professional code of responsibility for paralegals, for specified standards of paralegal performance, and/or for licensing or certification of paralegals.

27. TRUBEK, L. G. et al. Administrative Process and the Ex-Offender. Madison, Wisconsin, Lomah Associates, 1974. (NCJ 19001)

This training and reference handbook is designed for agency paralegals who assess the nature of ex-offenders' problems and assist them in obtaining their goals through informal negotiation and the administrative process. Paralegals thus trained will act only on behalf of clients who cannot obtain the services of attorneys. The prob-

lems they assist in may include inability to obtain credit, employment, insurance, and housing; or may involve inaccuracies in, or the lack of confidentiality of, materials in the files relating to the arrest or disposition of charges against an ex-offender. This training handbook presents information and documentation necessary for paralegal work in: (1) an understanding of the role of the paralegal and the limitations of that role; (2) a rudimentary lawyer's knowledge of legal systems, administrative law, and civil disabilities of the ex-offender; (3) an understanding of the rules, procedures, functions and structure of administrative agencies; (4) an ability to interview, assess problems, gather and organize information; (5) the use of various skills for presenting information; and (6) a knowledge of the techniques of group advocacy.

28. U.S. CONGRESS. Senate Subcommittee on Constitutional Rights. Reducing the Costs of Legal Services: Possible Approaches by the Federal Government. A Report Prepared for and Presented to the Senate Subcommittee on Representation of Citizen Interests, Rev. November 18, 1975. Washington, U.S. Government Printing Office, 1975. 16 p.  
MICROFICHE (NCJ 35612)

This report explores categorical ways of reducing the costs of legal services by such means as deregulating legal services, using paraprofessionals, and reducing the need for legal services. Whether deregulation of the legal services industry is a realistic and desirable means of reducing the cost of legal services is examined first. Two possible methods of reducing legal costs by lessening the need for legal services are discussed. The first is to simplify transactions so that nonlawyers may effectively conduct legal transactions, and the second is to create alternative forms of dispute resolution such as ombudsmen and arbiters. Also considered are the possibilities of reducing legal costs by replacing lawyers with specially trained, lower-salaried personnel and machines, and by altering the training of members of the bar. In concluding, the possible impact of reducing legal costs on the quality of legal services is discussed.

29. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. Paralegal Personnel for Attorney General's Offices. National Association of Attorneys General. Washington, 1976. 44 p. (NCJ 35329)

This manual examines the potential use of paralegals in attorneys general's offices through an exploration of the role of paralegals, the duties they may perform, and the hiring and management of paralegals. Paralegals are defined in this manual as persons who: (1) work under the supervision of a lawyer; (2) are skilled in providing some legal services; and (3) perform tasks that have traditionally

been performed by lawyers. A review of the development of paralegal employment is presented which points out the rapid acceptance of the use of paralegals in recent years. The kinds of work that paralegals may perform and the current patterns in the use of paralegals in attorney's general's offices are examined. The possible roles of paralegals include investigative assistant, legislative assistant, litigative assistant, research assistant, consumer protection worker, prisoner's rights assistant, and securities assistant. Paralegal recruitment, training, classification, and compensation are discussed in turn. Finally, possible management problems involved in using paralegals are considered, including relationship to other staff, supervision of paralegals, limits on paralegals' activities, and performance evaluations.

30. \_\_\_\_\_ . Law Enforcement Assistance Administration. Paralegal Workers in Criminal Justice Agencies: An Exploratory Study. (2 vols.) By J.H. Stein, B.H. Hoff, and R. White, Jr. Washington, 1973. 569 p. (NCJ 14381)

This inclusive study examines the concept, defines the need, presents three prototype paralegal job descriptions and evaluates the attorney aides at the public defender service for the District of Columbia. Paralegals can be utilized effectively as police legal advisors; prosecutor aides in several processes including the decision to charge, arraignment, and calendaring; and as correctional legal advisors; and as correctional legal advisors. Prototypical paralegal positions examined include the public defender aide, the corrections specialist, and prosecutor calendar court aide. The District of Columbia paralegal system is the paradigm for comparing paralegal positions in other jurisdictions. The final section describes and evaluates D.C.'s attorney aide program. Appendixes contain a suggested paralegal training program, the full text of the public defender aide evaluation report, and a further discussion of D.C.'s prosecutor paralegal programs which already have been implemented.

31. \_\_\_\_\_ . Law Enforcement Assistance Administration. Paralegals and Administrative Assistants for Prosecutors. By J.H. Stein and B.H. Hoff. Washington, 1974. 213 p. (NCJ 32233)

This manual, intended to aid prosecutors in establishing or expanding use of paralegals, provides descriptions of the kinds of duties paralegals may perform and offers recruiting and training suggestions. The ideas presented are distilled from practices which a number of prosecutors have been developing in recent years. Definitions of paralegals and issues in the use of paralegals are reviewed in the introductory section. Operational jobs which paralegals may perform then are described, including jobs relating to intake of

arrest cases, intake and followup of citizen-initiated cases, calendaring witness liaison, bail forfeiture, bail review, and probation/parole revocation. Administrative and planning jobs that may be handled by paralegals also are discussed. A special section is included on the use of paralegals for the small office and part-time prosecutor. Practical and feasible suggestions are offered on designing paralegal jobs, recruiting new paralegals, and training paralegals. The appendixes include a list of technical assistance resources, a list of institutions offering paralegal education programs, and sample job descriptions.

32. \_\_\_\_\_ . Law Enforcement Assistance Administration. Proposals for the Use of Screening Procedures and Legal Assistants in the District of Columbia Court of Appeals. By D. J. Meador. Washington, 1974. 47 p. (NCJ 26301)

This technical assistance report proposes that the court of appeals make use of an abbreviated decisional process for routine criminal appeals and employ nine new legal assistants to aid in the decision process. The court activities and existing procedures are outlined. It is noted that the District of Columbia Court of Appeals has experienced a rapidly increasing number of cases, and that criminal cases account for about 60 percent of the cases filed. As a result, a considerable backlog of cases has developed. The report suggests that nine new professional assistants be employed, but warns that the addition of personnel will not substantially affect court productivity without some abbreviation of the traditional appellate process. Consequently, procedures are outlined for screening routine criminal appeals utilizing the additional professional personnel so that a limited number of cases would have to be reviewed or supervised by the appellate judges themselves. Proposals for the evaluation of such a program and a discussion of the involvement of the bar in the appellate process are included. Attached are a sample memorandum and proposed per curiam opinions from criminal appeals of the California Court of Appeals and the New Jersey Appellate Division.

33. \_\_\_\_\_ . Law Enforcement Assistance Administration. Statistical Analysis of Jackson County Prosecuting Attorney's Office Experimental Trial Team Project. By R. L. Martin and E. C. Ratledge. Washington, 1976. 100 p. MICROFICHE (NCJ 36298)

An analysis of statistics generated by the Jackson County (Missouri) Prosecuting Attorney's Office Project to determine which of three experimental trial units is the most successful and cost efficient is presented. The project's prime objective was to determine whether a trial team composed of a full-time senior attorney, junior attorney,

ney, paralegal, legal investigator, and secretary is a more efficient use of manpower than either a full-time senior attorney, investigator and secretary, or a team composed of a part-time prosecuting attorney plus a part-time investigator. Output measures were designed to test hypotheses stating that full-time attorneys require less time to process a case from arraignment through final disposition than part-time attorneys and that the amount of preparation time is less for full-time attorneys and therefore lower in cost. Data indicated that full-time attorneys should be organized into trial teams; that there was little difference between the trial team and the part-time unit; and that the part-time unit had a lower cost. It was concluded that the experiment needs refinement, and a preliminary evaluation design is provided. Appendixes contain formats and codebooks used by the Kansas City trial team, the original data set, the edited data set, and the project's initial evaluation report.

34. \_\_\_\_\_ . Law Enforcement Assistance Administration. Use of Paralegal Personnel in Attorneys General's Offices. By T. W. Zelman. Washington, 1974. 16 p. MICROFICHE (NCJ 13270)

This report discusses existing and prospective use of skilled, trained, lay assistants who work with lawyers in legal-related job capacities in government and nongovernment enterprises. One solution to the current shortage in the availability of legal services is the increased use of paraprofessionals. The legal paraprofessional is a skilled, trained, lay assistant who works with a lawyer in a legal-related capacity. Paralegals can be divided into two categories. First, there are those whose work serves to make more efficient use of already existing legal services. Their tasks include interviewing clients, preparing routine correspondence, and compiling reports on such matters as juror lists and sentencing recommendations. The second category of paralegals consists of those who provide additional, supplementary legal services, sometimes at great distances from the supervising attorneys. The use of paralegals in correctional settings is an example of such additional services. Although the precise nature of the field still is defined ambiguously, most attorneys general's offices can already be said to employ paralegals. One prosecutor's office has routinized the functions of trained, skilled secretaries to the point where attorneys can obtain correspondence and court papers from a virtual cookbook. In another office, two paralegals use standardized procedures to handle habeas corpus litigation. Although the present ambiguity in the field allows entry in various ways, authorities agree that specialized training is essential to attain the career potential of paralegals. This training can be obtained from a specialized academic curriculum or from inhouse, on-the-job training programs. An appendix to this report provides an American Bar Association list of academic institutions offering legal assistant programs.

35. \_\_\_\_\_ . Law Enforcement Assistance Administration. Utah Prosecution System. Utah Statewide Association of Prosecutors. M.R. Russell, Proj. Dir. Washington, 1976. 400 p.  
MICROFICHE (NCJ 39882)

This handbook contains forms and information aiding in the delegation of nonprofessional administrative tasks from the prosecuting attorney to specially trained assistants. The Utah Prosecution System was prepared by the Technical Assistance Bureau of the Statewide Association of Prosecutors. The system was designed to improve the efficiency and therefore, the quality of the county prosecution offices in the State of Utah. Professional tasks requiring the county attorney's attention have been distinguished from ministerial tasks which could be performed by nonlawyers. Based on this, the bulk of the system is comprised of two types of legal forms, those that require the efforts of the county attorney, and those that could be completed by the legal assistant. An overview of the system, a responsibility guide, a flow chart, and glossary of legal terms are included with the comprehensive compilation of legal forms.

36. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Paralegals: A Resource for Public Defenders and Correctional Services; A Prescriptive Package. By J. H. Stein. Washington, U.S. Government Printing Office, 1976. 563 p.  
MICROFICHE (NCJ 31721)  
Stock No. 027-000-00399-1

Designed for use by public defender agencies and inmate legal assistance programs, this manual offers practical suggestions on the appropriate roles, responsibilities, recruitment, and training of paralegals. The objectives of the manual include the following: to locate successful paralegal projects; to guide administrators to other sources of information; to describe optimum paralegal roles in defender offices and corrections legal services programs; and to describe methods of hiring, training, and supervising paralegals. The information on roles, supervision, and training was drawn from the experience of attorneys and paralegals actually involved in paralegal programs. Defender paralegal services are discussed first. The following information is provided for each service (case intake, early care processing, diversion, client interviews, planning of community services for clients, trial preparation, plea negotiations, preparing sentencing recommendations, and appeals and collateral attacks): the paralegals' duties, potentials for upgrading, special considerations of the job, and a list of defender organizations known to have paralegals performing this kind of work. Paralegal services for sentenced inmates are examined. The possible role of the paralegal in general civil legal services is considered along with paralegal use in providing specialized services such as disciplinary hearings, classification and transfer hearings, lifting encumbrances,

and parole hearings. Finally, possible uses for paralegals in criminal representation and in promoting correctional law reform are investigated. Guidelines on preparing a paralegal program, recruitment of paralegals, designing and giving an orientation program for the new paralegal, on-the-job training, and inservice training also are included.

37. \_\_\_\_\_ . Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Seattle: Presentence Counseling Program; Exemplary Project Validation Report. Abt Associates, Inc., Washington, 1975. 42 p.

MICROFICHE (NCJ 16682)

This program is designed to provide supportive nonlegal assistance to public defender attorneys and their clients. Paraprofessional program counselors work with indigent clients during the preparation of the presentence report to seek community-based alternatives to institutionalization. A sentencing plan is not recommended unless it meets the approval of the client. This program works mainly with male adult felony defendants and juveniles who have prior felony convictions and are most likely to face institutionalization as a result of conviction. Program evaluation was hampered by a lack of followup, lack of systematic procedures for identifying new resources, lack of staff training and supervision, and counselor writing skills deficiencies. Evaluators concluded that the presentence counseling program is providing an important level of support to the public defender's office in Seattle. However, they stated that the program lacked sufficient data to be able to make any conclusion about program effectiveness. Copies of the exemplary project application form and three letters of endorsement are included.

## **STUDENT INTERNS**



38. BAIER, P. R. and T. J. LESINSKI. In Aid of the Judicial Process: A Proposal for Law Curricular and Student Involvement. Judicature, v. 56, n. 3:100-107. October 1972. (NCJ 07559)

This article presents the case for developing a judicial decision-making course for law schools in which students would aid judges in making both trial and appellate decisions. The course, hypothetically entitled "The Judicial Process Theory and Practice of Judicial Decisionmaking," would involve student analysis of cases submitted for preliminary screening and student recommendation of tentative dispositions. The students would write prehearing reports, compose preliminary drafts of proposed memorandum opinions, and return the records and briefs to the judge after the class instructor had reviewed the work. The course would have both administrative and educational advantages. Law students could help develop and operate a preliminary screening system for the huge number of appeals facing judges, most of which are eventually judged unworthy of review. Establishment of such a screening system would allow individual attention and decisionmaking on cases for review while reducing court backlogs. (A screening system initiated in Michigan in 1968 has proved successful by enabling the 12 judges of the courts of appeals to cope with the entire intermediate appellate caseload of the State, a 40 percent increase in productivity.) For students, the course would offer chances to research real problems, draft proposed judicial opinions, and learn much about trial practice and procedure. Critics assert that such a system would give judicial functions to nonjudicial personnel, but comparable work now performed by nonjudicial law clerks. Footnotes are provided.

39. CALIFORNIA REGIONAL CRIMINAL JUSTICE PLANNING BOARD. Evaluation of the Santa Clara County (California) Bar Association's Inmate Legal Services Project. American Bar Association. Santa Clara, California, 1978. 64 p. (NCJ 48216)

A project which used law student interns plus an inhouse staff to provide legal services to inmates of the Santa Clara County Jail is evaluated. Demand for services exceeded expectations, but funding has become a problem. During its first year of operation (July 1, 1976-June 30, 1977), the Inmate Legal Services Project (ILS) of the Santa Clara County Bar Association provided legal services to 800 jail inmates. About 15 percent of these cases involved long-term incarceration-related problems. The rest were crisis intervention problems relating to domestic matters or disputes with jail staff. The project was staffed with a full-time "directing attorney," a full-time paralegal person, a full-time legal secretary, and 10 part-time law student volunteers from Santa Clara University Law School. Initially the ILS project was expected to provide greater access to the courts. It was hoped that about 400 inmates would be served. First year case service objectives have been exceeded

by nearly 50 percent, and the demand for services on the part of inmates has been nearly continuous. However, the major needs have been short-term personal or jail administration issues, rather than the long-term litigation originally anticipated. Court and corrections personnel have been highly favorable toward the project. The resolution of immediate problems has also been beneficial for inmates. However, continued funding is now a crisis; the initial grant was for 1 year and no provision has been found to continue the project. Tables summarize types of cases handled during the first year, sources of initial contact, time taken to resolve the cases, and the project budget. The outline of the intern training presentation is appended, together with an evaluation questionnaire given to intern participants.

40. MULTNOMAH COUNTY DISTRICT ATTORNEY'S OFFICE. Multnomah County (Oregon) District Attorney's Office Year End Report, 1974. Portland, Oregon, 1975. 18 p. MICROFICHE (NCJ 18747)

The activities, new programs, and operational reforms of the district attorney's office are described. Reforms undertaken to improve office efficiency include reorganization of staff into specialized teams to handle specific assignments; development of a new information and statistics system; institution of two law student intern programs; and elimination of a night deputy district attorney position. Among the special programs of the office are the high crime impact project, the rape victim advocate program, and improvement of conditions for child abuse victims. Statistical reports on specific office activities, including circuit and district court activities, intake, and pretrial activities are included.

41. PENNSYLVANIA GOVERNOR'S JUSTICE COMMISSION. Philadelphia Defender Association Interns Project: Final Evaluation Report. By B. N. Schoenfeld. Harrisburg, Pennsylvania, 1974. 38 p. MICROFICHE (NCJ 19324)

This project was designed to provide law student interns with a broad range of experience while freeing staff attorneys to perform more difficult legal services. The design of this program called for law students to perform the initial interviewing of clients, assist in performing research in appellate proceedings, assist attorneys in handling postconviction matters, mental health commitments, and assist staff social workers in preparing parole plans, presentence reports, and social history workups. This program was evaluated using personal interviews and questionnaire responses of interns and supervisors. Evaluators concluded that the project did achieve its objective of freeing its legal staff. However, interns did not receive adequate orientation and training and were largely restricted

to inoffice interviewing. Recommendations suggested formal orientation and training for all interns, rotation of interns in order to give them complete experience coverage, and increased internship hours of training.

42. U.S. DEPARTMENT OF JUSTICE. Law Student Intern Program in District Attorney and Public Defender Offices. By S. Lowell. Washington, 1973. 400 p. MICROFICHE (NCJ 36333)

This final report discusses a program allowing second- and third-year students from the law schools of two California universities to gain in-court experience unattainable under law school structure. Students chosen for participation worked closely with deputy district attorneys and public defenders, who supervised them through all phases of actual prosecutions and defenses in courts. Material developed for clinical seminars included training material, video tapes, and syllabuses to lectures, critiques, and evaluations. A tracking system was developed to allow additional students to take advantage of course materials at a lower cost. Appendixes contain district attorney and public defender seminar discussions, training manual outlines, and student evaluations of the project. Also included are the public defender syllabus, a reprint of an article by a participating Santa Clara County public defender, and a description of public defender presentation tapes produced as a teaching aid.

43. \_\_\_\_\_ . Law Student Interns in Defender Offices. By Puerto Rico Legal Aid Society. Washington, 1972. 20 p. (NCJ 35469)

This final report discusses a project to utilize law student interns in the Legal Aid Society of Puerto Rico. Project goals are to help develop better future lawyers by providing them with court experience and to have the students assist the public defender lawyers in trial preparation. A subjective, favorable assessment of the program is presented. Letters from some of the interns are appended.

44. \_\_\_\_\_ . Montana University Law School: Indian Tribal Courts Programs. By University of Montana School of Law. Washington, undated. 32 p. (NCJ 00530)

This project utilized law students to assist local, State, and National law officers with additional manpower. Students were employed or used as interns to broaden and deepen their understanding of criminal law and procedures. Much of the work was done in the Montana tribal courts where legal training had been lacking. Other trainees worked in police departments as legal advisors, in prosecutors'

offices, and as probation trainees, especially with Indian juveniles. The conclusion was that benefits to the employing agency were great and this training removed stereotyped opinions of law enforcement from the students.

45. \_\_\_\_\_ . National Law Student Internship and Placement Program: Final Report. National District Attorneys Association. Washington, 1975. 61 p. (NCJ 19680)

The report describes a program to strengthen the development of attorney practitioners in the criminal justice system by establishing intern programs in prosecution and public defender offices where such programs did not exist. Under the program, 200 superior law students were placed in prosecutor or defender offices throughout the nation. Among the duties performed by the various interns were advising police and defendants of their rights and duties under the law, interviewing complainants and witnesses, the drawing of citations, complaints, pretrial motions and briefs, trial practice under State student practice rules, research and drafting of trial and appellate motions and briefs, and the developing of new legislative proposals and office procedures. At the end of the summer, 81 percent of the prosecutorial interns and 83 percent of the defender interns reported that their internship experience made them more likely to seek a career in a similar office following graduation.

46. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Topeka: Legal Services for Prisoners, Incorporated; Exemplary Project Validation Report. Abt Associates, Inc. Washington, 1975. 80 p. MICROFICHE (NCJ 16677)

The history, organization, and operations of a program providing civil, criminal, and institutional disciplinary representation to indigent prisoners and clinical experience to participating law students are described. The validation study is based on existing project documentation and onsite visits and interviews. Legal Services for Prisoners, Inc. (LSPI) is a nonprofit independent corporation with offices close to three of Kansas' correctional institutions. Law students from two schools participate under the supervision of project litigating attorneys. All incoming inmates are given a briefing on the availability of legal services. Requests for services are made on standardized application forms and reviewed by project staff before any action is taken. The majority of the caseload consists of representation at disciplinary hearings, but nonfee generating civil and criminal matters also are handled. Goal achievement is discussed in terms of the project's meeting of its own stated goals of providing legal services and clinical training as well as to the

extent it meets National Advisory Commission and ABA standards. The replicability of LSPI services is noted as is the emphasis on academic and management statistics and the absence of inmate appraisals. Compared to other prison legal assistance programs' budgets and caseloads, the project is found to be an extremely efficient organization. A summary of project strengths and weaknesses is provided, as are a bibliography, a statistical report, and budgetary information.

## **INMATE PARALEGALS**

47. CHAMPAGNE, A. and K. C. HAAS. Impact of Johnson v. Avery on Prison Administration. Tennessee Law Review, v. 43, n. 2:275-306. Winter 1976. (NCJ 38319)

This 1971 Supreme Court decision has been significant in its effects on correctional administrative problems and in its contribution to the sharp acceleration in prison legal services programs. The decision, which declared a State law banning jailhouse lawyers unconstitutional, was shown by a survey of prison officials to be well understood. The high rate of compliance with the mandate of the Supreme Court, both in terms of abolishing rules and regulations prohibiting mutual legal assistance among inmates and in terms of making efforts to seek a reasonable alternative of improved inmate legal services programs, clearly indicates that Johnson v. Avery has exerted a major influence upon the attitudes and behavior of correctional authorities across the United States.

48. CONNER, R. F., W. DAVIDSON, and J. EMSHOFF. Legal Aid and Legal Education for Prisoners: An Evaluation of the State Bar of Michigan's Prison Project. Washington, American Bar Association, 1978. 162 p. (NCJ 49716)

An inmate paralegal training program and an inmate legal services clinic coordinated by the young lawyers section of the State Bar of Michigan are evaluated. The training program began in early 1976, when 10 inmates were selected from a group of 56 applicants. The curriculum covered conventional paralegal skills as well as the special needs of inmate paralegals working in a prison setting. Volunteer attorneys taught 46 paralegal classes. Another 12 classes were taught by the project's training coordinator, paralegal trainees, or self-taught inmate paralegals. Each trainee served an apprenticeship in the prison legal aid clinic. The clinic opened in March 1976. Service on appeals of criminal conviction was limited to aid stopping short of direct representation. Within this constraint, any inmate could receive service regarding any legal problem. As of May 1977, there were 130 men on the clinic's waiting list. Surveys and tests were conducted to evaluate the effectiveness of the training and legal aid programs. Findings are reported relative to inmate legal needs, resources, and general attitudes; knowledge gains by training program participants; and clinic caseloads, operations, and client satisfaction. Paralegal trainees improved their legal knowledge and became more visible legal resources for other inmates. Inmates generally reported favorable attitudes toward both the training program and the clinic. During its first year, the clinic served about 12 percent of its potential client population. Ways of increasing state bar involvement in the programs during the project's second year are suggested. An executive summary, supporting data, evaluation instruments, and an outline of the training program curriculum are provided.

49. FOUSEKIS, J. T. Prisoner National Legal Assistance and Access to the Courts: Recent Developments and Emerging Problems. Hastings Law Journal, v. 23, n. 4:1089-1109. April 1972. (NCJ 05253)

Judicial decisions which have curtailed restrictions on inmates who advise other prisoners on legal matters and the problems of providing counsel for indigent convicts are discussed. When a habeas corpus petition raises a substantial issue concerning the confinement of an indigent prisoner or the conditions of his confinement, the court appoints counsel to represent him in the ensuing proceedings. The fact that most indigents have no counsel at the initial stage, the time a petition is filed, presents a significant disability. It has been primarily to fill this gap that prisoners have turned to their own ranks, and the jailhouse lawyer has emerged. Prison officials tended to view the jailhouse lawyers as disrupters of prison discipline, and formulated many restrictions on them. The author examines the recent case law in the area, which has lifted many of the bans on the activities of inmate advisors. He also indicates the special problems of providing adequate counsel for the indigent prisoner, and suggests possible programs for guaranteeing concrete and permanent assistance from the bar.

50. MYERS, J. Paraprofessional Law Clinic. Prison Journal, v. 50, n. 2: 43-50. Autumn-Winter 1971. (NCJ 07812)

In 1974, 14 inmates of a Pennsylvania State correctional institution submitted a proposal for a prison paraprofessional law clinic. The operation of this clinic and its successes and problems are discussed. The aim of the clinic was to allow inmates to get legal help without having to pay the exorbitant fees jailhouse lawyers often receive and to give an opportunity for clinic members to learn basic law. Staffed by inmate members, it is organized as a union of individual jailhouse lawyers rather than as an integrated law office. No legal professionals are on the staff. Clinic clients wishing to get legal assistance or information fill out a request slip and send it to the clinic or make a personal visit. Most of the work falls under the following general headings: general correspondence, notice of appeal, motions for notes of testimony, direct appeals, postconviction remedies (State), Federal habeas corpus, commutation petitions, sentence credit petitions, and disposition petitions for untried indictments. The most successful project has been securing for inmates proper sentence credit for pretrial detention in county jails and facilities, thus effectively shortening clients' length of sentence. Most advise is oral, with no records kept. The clinic has no central filing system, no formal means of supervision, and no way to control work quality. There has been a problem with delays in answering requests. A further problem, from the viewpoint of the administration, is the creation of an inmate power base. However, the law clinic has made more legal services available to



inmates, and has allowed at least one group of inmates to develop and execute its own employment plan while reducing the potential for abuse by jailhouse lawyers.

51. STASKY, W. P. Inmate Involvement in Prison Legal Services: Roles and Training Options for the Inmate as Paralegal. Washington, American Bar Association, 1974. 94 p. (NCJ 15110)

The roles for inmates in institutional legal services are explored and training guidelines are provided. Part 1 of this document is an introduction to the paralegal in the free world, the inmate as paralegal, legal service needs, and program planning. This section comments on the definition of paralegal, legal problems, and what constitutes legal services. A chapter is devoted to the legal problems of inmates and their legal service needs. Methods used by correctional institutions to provide legal services other than through the use of inmates are defined and discussed. The actual use of inmates in institutional legal service programs is noted. Part 2 is devoted totally to the training of inmates to become participants in institutional legal services programs. It provides guidelines for trainers in designing curriculums and covers topics such as training objectives, recruiting trainees, teaching techniques, stating claims, constitutional law governing criminal trials and institutional life, hearing representation and mediation, the use of role-playing as a training technique, and legal research.

## APPENDIX—LIST OF SOURCES

1. National Clearinghouse for Legal Services  
Northwestern University School of Law  
Suite 2220  
500 North Michigan Avenue  
Chicago, IL 60611
2. American Bar Association  
1155 East 60th Street  
Chicago, IL 60637
3. Same as No. 2.
4. Same as No. 2.
5. Same as No. 2.
6. Same as No. 1.
7. University Associates, Inc.  
7596 Eads Avenue  
La Jolla, CA 92037
8. D.C. Heath and Company  
125 Spring Street  
Lexington, MA 02173
9. Available only through NCJRS Document Loan Program.
10. Florida Bar  
Tallahassee, FL 32304
11. Same as No. 1.
12. American Judicature Society  
Suite 1606  
200 West Monroe Street  
Chicago, IL 60606
13. North Carolina State Bar  
Box 25850  
Raleigh, NC 27611
14. Available only through NCJRS Microfiche Program and NCJRS Document Loan Program.
15. Same as No. 2.
16. Same as No. 2.
17. Elizabeth O. Sullivan  
c/o Arizona State University  
Tempe, AZ 85281
18. International Association of Chiefs of Police  
11 Firstfield Road  
Gaithersburg, MD 20760
19. National Legal Assistants Conference Center  
Suite 600  
2444 Wilshire Boulevard  
Santa Monica, CA 90403
20. University Microfilms  
300 North Zeeb Road  
Ann Arbor, MI 48106
21. Same as No. 2.
22. Wisconsin State Bar  
402 West Wilson Street  
Madison, WI 53703
23. Oceana Publications  
Dobbs Ferry, NY 10522

24. West Publishing Company  
170 Old Country Road  
Mineola, NY 11501
25. National Paralegal Institute  
2000 P Street, NW.  
Washington, DC 20036
26. Illinois State Bar Association  
Illinois Bar Center  
Springfield, IL 62701
27. Lomah Associates  
418 West Dot 4  
Madison, WI 53703
28. Same as No. 14.
29. National Association of  
Attorneys General  
3901 Barrett Drive  
Raleigh, NC 27609
30. Blackstone Associates  
2309 Calvert Street, NW.  
Washington, DC 20008
31. National District Attorneys  
Association  
211 East Chicago  
Chicago, IL 60611
32. Criminal Courts Technical  
Assistance Project  
The American University Law  
School  
2139 Wisconsin Avenue, NW.  
Washington, DC 20007
33. Same as No. 14.
34. Same as No. 14.
35. Same as No. 14.
36. Same as No. 14.
37. Same as No. 14.
38. Same as No. 12.
39. American Bar Association  
(BASICS)  
1800 M Street, NW.  
Washington, DC 20036
40. Same as No. 14.
41. Same as No. 14.
42. Same as No. 14.
43. Same as No. 9.
44. Same as No. 9.
45. Same as No. 9.
46. Same as No. 9.
47. Tennessee Law Review Asso-  
ciation  
1505 West Cumberland Avenue  
Knoxville, TN 37916
48. Same as No. 39.
49. University of California  
Hastings College of Law  
198 McAllister Street  
San Francisco, CA 94102
50. Pennsylvania Prison Society  
Room 302  
Social Services Building  
311 South Juniper Street  
Philadelphia, PA 19107
51. Same as No. 39.

**END**