

our law practice may appear to be recovering from the recession, but the economy remains volatile. As a prudent businessperson, perhaps you aren't ready to make the commitment to hire more staff or to lease additional space to accommodate them. If you find yourself working too many long hours just to keep up or doing work that you should be delegating, maybe it's time to experiment with a virtual paralegal or administrative assistant. Virtual workers can permit you to expand and contract your office staff as your needs fluctuate on a project-by-project basis.

Confidentiality and Security

Some lawyers worry about confidentiality and security when they can't look over the shoulder of an employee. Cathy Ribble, owner of Digital Paralegal Services, L.L.C., says her firm provides training concerning confidentiality and security. When an assignment is completed, any printed documents are shredded, returned to the lawyer, or shipped to a third party at the lawyer's direction. They use password-protected, secure Internet network connections as well as electronic devices that are password protected. "I avoid open forums for calendar and

document collaboration tools published for the general Internet public. There are many secure, encrypted and password-protected alternatives for collaboration," Ribble says.

Andrea Cannavina, CEO of LegalTypist, Inc., emphasizes that selecting the right technology and the right people are important elements of protecting clients. Most of their digital assistants have more than 10 years of experience in a traditional law firm setting. Most such organizations work with independent contractors, so make sure subcontractors are required to enter into confidentiality agreements. Subcontractors for LegalTypist "have to separately initial a confidentiality clause in the [independent contractor] agreement," Cannavina says.

Range of Services

Virtual assistants can handle just about everything your traditional assistant does. I use a virtual assistant in my business, and she sometimes brings me coffee. (She's local and usually comes into my office at least once a week, stopping by Starbucks on the way.) Ribble, describing her services, says, "I find myself providing the same paralegal support I provided while working in a traditional law firm." She rarely meets lawyers face-to-face.

Here are some examples of the work that specialized legal virtual assistants and paralegals may handle: transcription of dictation or handwritten notes; initial draft transcriptions of pleadings, motions, letters, blog posts, stipulations, and inter-

views; revisions to the foregoing; case and deadline management; document review and organization; pleading preparation, review of local court rules; electronic court filings; electronic and mail service of document copies; assistance with legal briefs (citation review, editing, table of authorities, table of contents, binding, printing, and/or digital formats); coordination of service of process; billing assistance; Internet research and investigation; document production, bates numbering, and other discovery tasks; and preparation of hearing notebooks. Some assistants will communicate directly with your clients via telephone or email. Others interact only with the attorney's office.

Cannavina's company focuses on digital dictation, but that's not as limiting as it may sound. "Our clients don't just use us for documents — think of dictation like speaking your needs. We do calendaring, opening new electronic case files, adding contacts and such — mostly for our clients who also use Clio," Cannavina explains.

Jurisdictional Requirements

Does your virtual assistant or paralegal need to work in the same jurisdiction where you practice? They don't have licensure requirements, so they aren't legally limited to any particular jurisdiction. LegalTypist works nationwide, but they limit their practice to the United States for security reasons. They keep all their processes and technology on U.S. soil. While being in the same jurisdiction is helpful, Ribble believes "practice area trumps jurisdiction. A well-trained experienced paralegal can use basic practice area skills to research a new jurisdiction's requirements."

Delivery of Documents and Information

Depending on the type of services provided, virtual workers may accept automated telephone dictation, web upload of text and audio files, email, overnight shipment of documents, and even regular U.S. mail. Some services handle only digital documents and don't do any courthouse or electronic filings. Virtual assistants and paralegals may also work with your online law practice management software, which can enhance your ability to track the progress of projects.

Cost Comparison

Although the hourly rate paid to virtual paralegals and digital assistants usually exceeds the hourly rate of similarly skilled employees, the law firm may actually experience cost savings. As every virtual service provider emphasizes, the lawyer pays only for actual time worked, and does not have to pay for overtime, vacation time, sick time, coffee breaks, training or professional development expenses, time spent on personal calls, payroll taxes, health insurance, or retirement benefits. The attorney is also spared the cost of providing an office, furniture, computer, software, and equipment for the worker. There are no repair, maintenance, insurance, or property tax costs for those items, either.

In general, virtual paralegal rates range between \$30 and \$65 per hour. Some virtual paralegals charge 25 percent to 30 per-

cent of the lawyer's hourly rate. Some have volume discounts. Prices for virtual legal transcription services are measured in many different formats. The price may be quoted based on the number of words, pages, or minutes of recorded audio, or even a flat monthly fee. The rate may be influenced by the volume of work contracted for, the clarity of the recording, the number of speakers per recording, or the requested turnaround time.

Conflicts of Interest

Lawyers may worry about how they will manage conflict checking when they use a virtual service. Conflicts haven't come up for Digital Paralegal Services, due mainly to the different geographical locations from which the work comes. Cannavina reports "in the 10-plus years I've been a VA, I have not encountered one conflict." Both companies have a policy of requiring subcontractors to stop work immediately and report to them if they encounter a familiar name.

Nevertheless, all parties should be vigilant about protecting against conflicts of interest. "The rules are no different for a virtual paralegal and virtual administrative assistant than for a paralegal, legal secretary, or anyone else working under the supervision of an attorney in a brick-and-mortar setting," says Vicki Voisin, the self-styled "Paralegal Mentor." She frequently writes and speaks on ethical issues for paralegals.

Rule 5.03 of the Texas Disciplinary Rules of Professional Conduct requires that lawyers with supervisory authority over non-lawyers "make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer." Voisin recommends that all types of virtual assistants "maintain a detailed conflicts log that includes the name of the firm and attorney they're working with, the name of the case, the parties to the action, and any other parties involved." They should also be aware of "personal conflicts they might have: relatives/friends on the opposing side, stock or business interests that might be a conflict, or cases they worked on in previous employment," Voisin says.

Ribble says she prefers to work with paralegals certified by the National Association of Legal Assistants because they "must meet certain ethics requirements within their CLE credits, so the attorney is assured of a baseline understanding of [the attorney's ethical requirements]." There are a number of other certifying organizations for paralegals and legal assistants. •



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