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Preventive Law and the Legal Assistant

Louis M. Brown*

I. INTRODUCTION

An examination of paraprofessionalism may begin with an evaluation of society's need for legal services, a need that is not always obvious, nor indeed even recognized by the general public.¹ One area in which the provision of legal services to all but the most wealthy clients is notably deficient is that of preventive law. This kind of legal practice seeks to help individuals regulate their activities to avoid legal trouble, in contrast to the litigating aspect of law that comes into play only after a dispute has developed.² Since the practice of preventive law requires the use of specialized tools and techniques that have not yet been implemented on any wide-spread basis, the field of preventive law is still in its infancy. Consequently, a large number of problems amenable to legal solution fester undiscovered and unresolved.³

Assuming that a problem in preventive law is recognized, or recognizable, the necessary legal services must be supplied at a cost that the potential client, or society, can reasonably pay. A variety of factors contribute to the expense of traditional legal services. Many lawyers, for example, are overselected and overtrained for the tasks that they perform in society. The "single license" system, adopted to professionalize the practice of law, makes it necessary for even those who will spend literally all of their time on fairly mechanical legal chores to be educated to a sophisticated level in many fields of law.⁴ To emphasize the omni-

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1. Sykes, *Legal Needs of the Poor in the City of Denver*, 4 *LAW & SOC. REV.* 255 (1969). In a survey of legal needs of the Denver poor, based on a "multi-stage probability sampling procedure, . . . of the 232 individuals who indicated that they did *not* think they had a legal problem, 120 were evaluated by the panel of lawyers as being in need of legal help." Extrapolating the results of this survey it appears that in the community surveyed (40,373 people), there would be about 15,000 legal problems of which the members of the community would be unaware but that would be recognizable by lawyers. *Id.* at 262.

2. See generally Brown, *The Law Office—A Preventive Law Laboratory*, 104 *U. PA. L. REV.* 940 (1956).

3. Sykes, *supra* note 1, at 262.

4. The "single license" system is not employed in most civil law countries. See, e.g., Margadant, *The Mexican Notariate*, 6 *CALIF. L. REV.* 218 (1970). In Japan, the ratio of lawyers to

competence of the lawyer, however, is to ignore reality. Sociological studies of the profession indicate clearly that there is, in practical terms, a functional division of legal labor,⁵ and yet in most kinds of law practice, there is a great deal of underutilization of skill.⁶

Another factor that forces up the cost of legal services is that there are simply not enough lawyers in the United States to execute all the legal business that should be done.⁷ Moreover, much of the existing legal talent is concentrated in unspecialized law practices that do not efficiently utilize even the available manpower. Since the lawyer in unspecialized practice usually cannot develop a high-volume legal operation and specialize in a few legal "products," per unit legal costs are high. Some form of specialization would result in a lower cost of production that would help reduce the expense of services to the client.⁸

The factors mentioned above make it clear that the whole area of the delivery of legal services needs to be examined. It may be helpful to see how professional services are delivered in another field and in another jurisdiction.

The medical field has been able to develop recognized subprofessions by certifying and supervising people to fill these positions. Thus, in 1966, doctors of medicine constituted less than ten percent of all personnel employed in the health and medical services,⁹ while by com-

nonlawyers indicates that the distribution of legal work is governed by principles very different from those prevailing in the United States. Von Mehren, *Some Reflections on Japanese Law*, 71 HARV. L. REV. 1486, 1493 (1958), points out that "the law's role" and hence the lawyer's role "in modern Japanese society is markedly different from its role in Western societies." Yet even so there is a substantial volume of legal business to be carried out. See Hattori, *The Legal Profession in Japan: Its Historical Development and Present State*, in LAW IN JAPAN (A. von Mehren ed. 1963).

5. See, e.g., J. CARLIN, *LAWYERS ON THEIR OWN: A STUDY OF INDIVIDUAL PRACTITIONERS IN CHICAGO* 17 (1962). See also J. HANDLER, *THE LAWYER AND HIS COMMUNITY* (1967).

6. J. CARLIN, *supra* note 5, at ch. 2; ADMINISTRATION OF JUSTICE PROGRAM, UNIVERSITY OF DENVER COLLEGE OF LAW, *NEW CAREERS IN LAW: MEETING PRESENT AND PROSPECTIVE LEGAL NEEDS 6-7* (1969) [hereinafter cited as *NEW CAREERS*]. A forceful criticism has been made of the current uses of trained doctors in medical practice resulting in underutilization of their skills. Too many doctors are used to diagnose well patients, a function that can be properly performed by less highly trained and skilled personnel. Garfield, *The Delivery of Medical Care*, SCIENTIFIC AMERICAN, Apr. 1970, at 15.

7. E. CHEATHAM, *A LAWYER WHEN NEEDED* (1963); Katzman, *There is a Shortage of Lawyers*, 21 J. LEGAL ED. 169 (1968).

8. See B. CHRISTENSEN, *LAWYERS FOR PEOPLE OF MODERATE MEANS* (1970); Brown, *Law Offices for Middle-Income Clients*, 40 CALIF. S.B.J. 720 (1965).

9. BUREAU OF CENSUS, U.S. DEPT. OF COMMERCE, *STATISTICAL ABSTRACT OF THE UNITED STATES 64-65* (1970). In 1966, of the total employment of 3,672,000 in the health and medical services in the United States, only 300,375 were M.D.'s. Other medical professions listed included dietitians and nutritionists, 18,200; registered nurses, 584,100; optometrists, 13,900; pharmacists, 10,600; chiropractors and therapists, 54,900; medical and dental technicians, 203,600. *Id.* at 64; see Garfield, *supra* note 6, at 15.

parison lawyers today probably make up over 50 percent of those involved in the legal profession.¹⁰ Moreover, the American legal profession consistently has attempted to operate the "single license" system and to minimize the possibility of having the nonlawyer do collateral legal work.¹¹ In Great Britain, on the other hand, the split legal system permits the clerk, or legal assistant, to perform many routine legal tasks.

The English law office depends to a considerable extent on a pool of nonprofessional talent;¹² in fact, there are at least as many unadmitted law clerks¹³ in law offices as there are solicitors.¹⁴ The clerks concentrate primarily on those legal areas that can be reduced to a routine—probate, divorce, and conveyancing. Virtually all these clerks work under the supervision of a solicitor. There are, however, independent firms of clerks who contract to do work for firms of solicitors on a piecework basis, mostly in the area of costs drafting.¹⁵

Practicing preventive law seems to provide an opportunity to follow the examples of the medical profession and the British split legal system in using paraprofessionals to free the professional from routine matters. Because the practice of preventive law demands a detailed analysis of the client's past, present, and future business and personal transactions, the cost of preventive law services practiced by unassisted lawyers is especially high. The paraprofessional could assist the lawyer by recognizing developing legal problems, and, with respect to many repetitive matters, could recommend to the client courses of action with fewer legal hazards. By having the paraprofessional perform many routine, time-consuming tasks the lawyer could concentrate on complex legal problems and thereby reduce the cost of preventive services.

Further underscoring the need for the legal paraprofessional in the practice of preventive law is society's expanding desire for legal services,

10. Holme, *Paralegals and Sublegals: Aids to the Legal Profession*, 46 DENVER L.J. 392, 404 (1969).

11. *Id.* at 404 n.57.

12. Q. JOHNSTONE & D. HOPSON, *LAWYERS AND THEIR WORK*, ch. 12 (1967).

13. Many of these clerks are organized into the Institute of Legal Executives based in London, which is attempting to create a formal status group of such workers.

14. Q. JOHNSTONE & D. HOPSON, *supra* note 12, at 401.

15. *Id.* at 411. This model of doing legal work approximates the "laboratory technician" model for delivery of legal services. "The 'paraprofessional' may be engaged in an occupation speciality relevant to the claimed jurisdiction of a profession, but occupying territory lightly held or long since abandoned: podiatry and pharmacy in medicine; real estate brokerage and tax accountancy in law. The practitioner of ancillary or complementary skills may, by contrast, be clearly subordinate to the professional: nurses, laboratory technicians, and occupational therapists in medicine; legal secretaries, investigators, and title searchers in law." NEW CAREERS, *supra* note 6, at 3-4. For a suggested distinction between legal technicians and other nonlawyers see Brown, *The Education of Legal Assistants, Technicians and Paraprofessionals*, 22 J. LEGAL ED. 94 (1969).

which has been brought about by the growing recognition that a minimum level of services should be assured every citizen. The idea of minimum legal services goes beyond merely filing documents at the crisis point in the client's life.¹⁶ Lower and middle income families should receive all traditional legal services—including counselling, negotiating, persuading, researching, recording, and drafting—when these services will substantially assist in resolving their problems.¹⁷ This approach is consistent with the preventive approach to law practice, the traditional aims of which are to minimize risks and to secure affirmative rights.¹⁸

II. IDENTIFIABLE AREAS OF PARAPROFESSIONAL ACTIVITIES

The paraprofessional can function effectively in many areas within law office practice. "An intelligent layman can become an expert on rent control and landlord-tenant law and procedure. . . . Every lawyer knows or should know the value of a well-trained clerk or legal secretary, and that such persons know most of the basic procedures in aid of the lawyer's role."¹⁹

A. *The Gathering of Legally Relevant Facts*

Anticipating legal problems before they arise necessitates some kind of screening process to determine the client's legal health or illness long before the obvious signs of legal trouble surface. Because as a general rule only the acutely trained and experienced legal mind can recognize the potential legal consequences of acts, some new methods and tools must be found to bring the client's proposed acts to the lawyer's attention sooner, rather than later.²⁰ The process for accomplishing this objective requires that the client's legal facts be gathered, that these facts be stated in a complete and organized fashion, that they be evaluated to detect possible legal problems, and that solutions or suggested courses of action be indicated. For a lawyer to interview a client to review all his legal affairs is a time-consuming and costly process. Such an interview, when done by a lawyer, is an excellent example of underutilization of skill since most of the effort is devoted to routine fact gathering, and

16. NEW CAREERS, *supra* note 6, at 36.

17. *Id.* at 37. For analyses of the concept of "lawyers' services" see Q. JOHNSTONE & D. HOPSON, *supra* note 12, at ch. 3; NEW CAREERS, *supra* note 6, app. 3.

18. See Brown, *A Definition of Preventive Law*, 37 CALIF. S.B.J. 272 (1962). "Preventive law" is defined as "a branch of law that endeavors to minimize the risk of litigation or to secure more certainty as to legal rights and duties." WEBSTER'S THIRD INTERNATIONAL DICTIONARY (1961).

19. Pincus, *The Lawyer's Professional Responsibility*, 22 J. LEGAL ED. 9 (1969).

20. Brown, *Periodic Legal Check-up*, 37 CALIF. S.B.J. 532 (1962).

only a small part of the time is spent on the area in which the lawyer's talent is really needed—the evaluation of the information gathered and the formulation of plans to deal with any problems that appear. Clearly someone with less sophisticated training than a lawyer could gather and organize factual data. Two methods to assimilate this information are the periodic legal check up and the legal audit.

1. *The Periodic Legal Check Up.*—The paraprofessional could review a client's legal affairs from time to time by means of a checklist, devised by a practitioner, that would elicit legally relevant facts and present them in an orderly fashion for evaluation. A Checklist of Family Information, for example, covering a multitude of factors relevant to the client's legal health,²¹ has been compiled to "assist the attorney in obtaining from his clients an accurate picture of the client's rights, duties, and expectations."²² Once the completed checklist is in the attorney's possession it acts as a diagnostic tool, enabling the lawyer to make recommendations for action by the client. The paraprofessional, in helping the client present the information to be evaluated, is freeing the lawyer to use his skills where they are most needed.

2. *The Legal Audit.*—Another way in which the paraprofessional could facilitate the fact-gathering process is by conducting a legal audit—a procedure that verifies and evaluates the legal framework within which a business conducts its affairs. The legal audit examines procedures used in a business, and attempts to assess whether the risks involved are being properly evaluated. The paraprofessional could collect and organize the legal facts of a business and present them in summary fashion to a lawyer for his analysis and recommendations. The legal assistant in business affairs might be employed by the business entity, rather than by the lawyer. Consider, by way of analogy, the financial audit in which original entries, and some of the organization of data,

21. These factors include family relations facts, schools, employment, marriage facts, contracts with spouse, insurance (life, fire, accident, comprehensive, automobile, etc.), rights to receive money, real property, leases, conditional sales contracts, stocks, bonds, bank and savings accounts, safe deposit boxes, long-term obligations, guarantees, lawsuits, tax returns, business interests, wills, organizations of which the client is a member, and records of illness. Clearly the content of a checklist is subject to alteration.

22. L. BROWN, CHECKLIST OF FAMILY INFORMATION (1956) (California Continuing Education of the Bar Publication). See also Brenneman, *Annual Legal Check-Up*, 34 MICH. S.B.J. 33 (May 1955). Other articles in the series were Andes, *Annual Legal Check-Up: Real Estate Transactions*, 34 MICH. S.B.J. 19 (Nov. 1955); *Annual Legal Check-Up Launched, Program Well Received at Convention*, 35 MICH. S.B.J. 10 (Nov. 1956); DePuy, *Annual Legal Check-Up: In Modern Practice*, 35 MICH. S.B.J. 12 (Jan. 1956); DePuy, *Annual Legal Check-Up: Personal Affairs*, 34 MICH. S.B.J. 33 (Aug. 1955); Draper, *Annual Legal Check-Up: Business Affairs*, 34 MICH. S.B.J. 31 (Dec. 1955); Moran, *Annual Legal Check-Up: Estate and Probate Matters*, 34 MICH. S.B.J. 9 (Nov. 1955).

are performed by corporate employees rather than by independent accountants.²³

B. *Detection of Legal Rights and Client Education*

While gathering and organizing relevant facts, the trained legal assistant could advance the practice of preventive law by detecting possible legal problems,²⁴ by acquainting the client with the kinds of situations that may require the attention of the supervising attorney,²⁵ and by giving preliminary answers to questions posed by the client regarding these problems. One way of initiating this detection function in the law office, especially in offices servicing low income clients, is to equip the paraprofessional with appropriate checklists for initial inquiry regarding the legal health status of all clients desiring this service. The paraprofessional, in addition, could assist in the preparation of pamphlets for distribution to laymen. These pamphlets might deal with such topics as when to see a lawyer before you are in trouble, what a lawyer can do for you before you sign a lease, and how important it is to see a lawyer at the first signs of financial difficulty.²⁶ The same information could be made available in the reception room by means of short, recorded tapes that each potential client could listen to at his option.

In practice one of the key preventive law techniques is the creative endeavor of the lawyer to indicate to a client when he should next seek legal advice. When a lawyer has completed a task for a client—obtained a bankruptcy discharge, for example—the client might well be advised to see a lawyer if a prior creditor demands payment.²⁷ Whenever it is possible to anticipate the future legal needs of a client growing out of a

23. Brown, *Legal Audit*, 38 S. CALIF. L. REV. 431 (1965). For a more detailed description of the technique including a method for the preparation of a client's summary chart see L. BROWN, *LEGAL CHECK-UP GUIDES FOR CREDITOR-DEBTOR RELATIONSHIPS OF A GOING BUSINESS* 42 (1966) (California Continuing Education of the Bar Publication).

24. For discussion of a nonlawyer—an accountant—as a legal auditor see Brown, *Accountant as Problem-Discoverer*, 10 S. CALIF. TAX. INST. 27 (1958). See also Hale, *Antitrust Audits*, 1 CORP. PRAC. COMM. 17 (1959).

25. See, e.g., Sykes, *supra* note 6, at 272, "[I]n the development of plans for the Neighborhood Law Center, it was decided that an important portion of its effort should be directed to questions of community education, and what could be called preventive law."

26. Brown, *Preventive Law and Public Relations: Improving the Legal Health of America*, 39 A.B.A.J. 556 (1953). Numerous pamphlets have been prepared for distribution by bar associations, by banks and other organizations, and in lawyers' offices. Examples of pamphlets for distribution to low income people can also be found. One organization that has prepared appropriate pamphlets is the Dixwell Rights Association, New Haven, Conn. For a listing of their pamphlets see Brickman, *Legal Paraprofessionalism and Its Implications: A Bibliography*, 24 VAND. L. REV. 1213, 1235-36 (1971).

27. Brown, *Follow Through*, 39 CALIF. S.B.J. 152 (1964).

completed item of work, the paraprofessional could indicate possible areas of future legal controversy and suggest that the client seek a lawyer's advice in the event of the occurrence of specified legal contingencies. This preventive law information arguably will be most effective when the client is already seeking legal advice, because then he will be highly receptive to cautionary signals of anticipated legal trouble.

C. *Negotiating, Drafting, and Policing Transactions*

In addition to gathering facts and detecting the client's legal rights the paraprofessional can be of invaluable assistance in negotiating on behalf of the client, in drafting routine documents for the lawyer's approval, and in policing the client's transactions to discover promptly any default that may occur.

1. *Negotiating.*—In the practice of preventive law, negotiations conducted by lawyers usually concern some proposed commercial transaction, such as the buying, selling, or leasing of real property. The legal assistant could advance the negotiating process in two ways: first, he may act as a gatherer of information, which is a function performed and performable by paraprofessionals; and secondly, he may actually conduct detailed negotiations on behalf of a client. Any meaningful discussion of the role of the nonlawyer would be aided by surveys of the extent and kinds of law-connected negotiations now performed by the legal assistant. The data might reveal more of this activity than many lawyers realize. It may be plausible therefore to suggest that some of the negotiations now undertaken by lawyers could be performed by the properly trained nonlawyer. It already has been recognized that for some kinds of negotiation, such as in adjustment of insurance claims²⁸ and in labor-management relations, the nonlawyer can conduct the bargaining efficaciously, whereas in other areas, such as corporate mergers and acquisitions, negotiations are usually conducted by a lawyer. Thus, depending on the legal complexity of the involved transaction, the area of negotiation could be established by, or under the supervision of, a lawyer, while the actual negotiation could be performed by a paraprofessional. In law practice for low or middle income clients, for example, negotiation on behalf of a prospective tenant, to the extent that negotiation is available, might well be performed by a paraprofessional.

28. For a study of insurance adjusters see H. ROSS, *SETTLED OUT OF COURT* (1970). The A.B.A. has recognized that "laymen have a proper place in the adjustment of claims. . . ." ABA, *Statement of Principles on Respective Rights and Duties of Lawyers, Insurance Companies, and Adjustors Related to the Business of Adjusting Insurance Claims* (Jan. 8, 1939). See also Sparer, Thorkelson, & Weiss, *The Lay Advocate*, 43 U. DET. L.J. 493 (1966).

2. *Drafting.*—If the parties reach a satisfactory agreement, negotiation usually leads to the preparation of legal documents. It is probable that in law offices legally innovative drafting is done by lawyers; however, there is no need to assume that standard repetitive documents are always drafted by a lawyer. Instead, these form documents can easily be prepared by a nonlawyer, subject only to the lawyer's approval. Although more information is needed about the actual preparation of legally significant documents in law offices,²⁹ for the present suffice it to assume that many of these documents are being prepared by the nonlawyer. It is obvious, for example, that most negotiable instruments and leases are completed by the parties using preprinted forms in transactions that do not require the aid of a lawyer. Likewise, corporate minutes are legally meaningful, yet the probability is that most minutes of directors' meetings are prepared by a nonlawyer. It is likely that every law office has a stock of printed documents of various sorts and an array of form books that a trained paraprofessional could use to prepare initial drafts for a lawyer's final review. The automatic typewriter with its inventoried catalogue of form clauses might even force this happening, and may have already done so in many law offices.

3. *Policing Transactions.*—The productive abilities of the legal assistant further may be used to explore a vast, largely undeveloped area of preventive law practice—the “policing” of transactions. Every transaction has a beginning, a period of performance, and a point of termination. While traditionally the lawyer becomes involved in a commercial transaction only when his client recognizes some nonperformance or breach of the agreement, the lawyer who is employed at the inception of a proposed transaction can perform the preventive law function.³⁰ The purpose of the lawyer in practicing preventive law is to make relatively certain that the client does not unwittingly fail to perform his part of the agreement and that all legal expectations of the client are fulfilled, such as the early detection of breaches by the other side. In the past the policing of transactions, as a practical matter, has been left to the client's own resources; however, as our society becomes more complex, supervision of the performance of the terms of a contract becomes more difficult. It seems necessary, therefore, that the adequate preventive law

29. “[M]ost lawyers do little original writing when they draft legal instruments required for many kinds of transactions. . . .” Q. JOHNSTONE & D. HOPSON, *supra* note 12, at 95.

30. Although not specifically directed to this point, J. DONNELL, *THE CORPORATE COUNSEL* (1970), is a useful source of information concerning the functions performed by corporate counsel. Unfortunately, most lawyers are usually unable to police transactions because they are rarely employed while the agreement is being performed. Corporate counsel, on the other hand, are most likely to be engaged by a client during the period when this surveillance is needed.

practice should include a policing service for clients. Under appropriate direction this service could be performed properly by the trained legal assistant.

D. Reviewing the Client's Affairs and Changes in Law

Law offices that concentrate on serving numerous clients within a specialized area of practice, and law offices that furnish a full range of services to steady clients, accumulate considerable data about both selected fields of law and the affairs of the individual client. This information, as useful as it may be, customarily resides uncatalogued in the memory of a lawyer, or nonlawyer, within the office. If this information were indexed and correlated, recent developments in various legal specialties could be made available quickly to the lawyer, and specific data on individual clients accumulated over time could obviate the necessity of conducting intensive client interviews each time a new legal problem arises. Serious consideration should be given to the employment of the paraprofessional to index and organize these vast quantities of data.

Once the material on the individual client has been indexed and correlated, a periodic review of the client's legal affairs could be accomplished easily. Even though the client has not specifically requested this review, there may be times when a reassessment of a client's affairs is virtually mandatory. The necessity of reexamining clients' wills whenever there is a significant change in the law is one example.³¹ A lawyer ought to review the wills in his possession and determine whether they are affected by a new law, and if so, to notify the client.³² Both this review of existing wills, and arrangements for communication to clients could be performed by the legal assistant.

E. Law Office Administration

Effective work also could be done by the paraprofessional in a law office by organizing form files of documents previously drafted, cataloging files to reflect similar transactions, and indexing memoranda previously prepared.³³ Although these activities are somewhat like those

31. ABA COMM. ON PROFESSIONAL ETHICS, OPINIONS, No. 210 (1967).

32. See Brown, *Ethical Requirements*, 39 CALIF. S.B.J. 913 (1964).

33. Other law office practice information could be similarly recorded and indexed. "There is an extremely broad range of sources from which lawyers commonly seek data. Clients are the most common source. Public records are another common source and include court records, land records, tax records, vital statistics, investigation reports, and many others. There are also private businesses that assemble and sell data, much of it to lawyers. Among these are abstractors, surveyors, accountants, and private investigators. Some lawyers permanently employ lay investigators skilled at investigating automobile accidents, financial records or location and ownership of as-

of a librarian, the indexing, filing, and digesting of legal documents and memoranda assume an ability to read and understand the significance of legal information. Since documents setting forth transactions are intended to direct subsequent conduct, the accessibility of this information, especially in the preventive law area, is crucial in ensuring the proper execution of the transaction. One can imagine the legal assistant trained for the purpose of summarizing these transactions and documents, preparing outlines of them, and organizing the files and materials within them for clients' needs as well as for internal law office management.

In the administration of a law office another highly useful device is a properly prepared and maintained "calendar tickler" system. The calendar tickler is a relatively familiar tool in litigation practice; but probably is used less frequently in preventive law practice. Because every transaction does involve anticipated performance and a termination date, crucial events within a particular transaction can be indicated on a calendar tickler system. To some extent, business accounting records may serve aspects of this function; for example, the recordation of due dates of accounts receivable and payable is designed to jog the memory of the lawyer. There are anticipated events, however, that may be somewhat peculiarly within the lawyer's province that good preventive law practice should recognize. Examples may include: dates for the exercise of options; dates in anticipation of the termination of a lease; and review of an exposed obligation such as a continuing guaranty that may be susceptible of termination.³⁴ Just as in litigation practice, the calendar tickler system in preventive law practice could be implemented and maintained successfully by the nonlawyer.

III. CONCLUSION

Some general principles run through the specific suggestions for the activities of the legal paraprofessional. All of the activities mentioned, for example, are discharged under the direction of a lawyer. In practice a lawyer rarely does all the work entirely alone; some amount of the work must be performed by others under his direction. Since the basic extent of the work undertaken by the nonlawyer under supervision is only a matter of degree, the aim should be to preserve matters of ulti-

sets." Q. JOHNSTONE & D. HOPSON, *supra* note 12, at 101. A book that describes sources of lawyers' information is *DIRECTORY OF SERVICES FOR CALIFORNIA LAWYERS* (1959) (California Continuing Education of the Bar Publication).

34. Other examples would be keeping copies of key documents, ensuring that filing formalities are complied with, and noting renewal dates for business licenses, leases, patents, and insurance.

mate judgment and decision for the lawyer while at the same time delegating routine, administrative tasks to others.

In drawing the line between matters of ultimate discretion and routine administrative matters, the distinction between law and fact becomes relevant. Within law practice it could be said that there are really two elements of practice—the practice of facts and the practice of law. To the extent that the separation can be made, it is urged that the administrative work of the legal assistant in the practice of facts be enlarged. Thus, the legal assistant could obtain factual histories of clients, organize factual material, make factual inquiry, and answer questions of fact. Although law offices may differ in statement and application of the ancient distinction between law and fact responsibility, on a practical level it seems to serve as a useful guide to indicate areas of responsibility for the paraprofessional.

