

THINKING OUTSIDE THE BOX
FOR JOBS FOR PARALEGALS IN ADMINISTRATIVE AGENCIES

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It is axiomatic that the success of a Legal Studies program is reflected in the employment opportunities available to its graduates. It is therefore very important for those of us as educators to not only prepare our students for careers but also to help provide them with as many job opportunities as possible. This is particularly true in the current economic climate with unemployment problems affecting all legal positions at an alarming rate. Many law firms, both large and small have been downsizing their staffs. Although this situation may in some instances be a mixed blessing for some more economical paralegal positions, the overall situation is not promising for paralegal graduates in the private sector.

One area of potential growth for paralegal employment may be found in governmental administrative agencies at the federal, state and local levels. As a result of the fiscal crisis and some of the financial scandals which have surfaced in recent years, the regulatory agencies have greater responsibilities and will presumably increase staffing. Many positions will require a legal background but not require a law degree. It follows that these agencies will provide expanded opportunities for our paralegal graduates.

The expanded use of paralegals in administrative agencies is evident at every level of government including state and local agencies but clearly the greatest amount of activity will be at the federal level.

The federal government has over 50 administrative agencies covering a wide variety of topics. (USA Gov.) Federal agencies include those under the executive branch as well as a substantial number of independent agencies. These agencies include the more familiar executive branch Social Security Administration to the little known Administration for Children and Families (part of the U. S. Department of Health and Human Services). Among the independent agencies, the Securities Exchange Commission is currently getting a great deal of attention whereas some may not even remember that the Interstate Commerce Commission is still in existence. The proliferation of governmental agencies which really got seriously underway during the New Deal under FDR has not been confined to the federal government. States and

municipalities have also expanded in this area at a great pace. For example, in New York State the Department of Conservation is the counterpart for the federal Environmental Protection Agency, or one without a commission or board dealing with consumer affairs?

Within each agency there are various job opportunities for which paralegals would be qualified and find careers. It is necessary for educators to develop the knowledge and skills to prepare their students for such opportunities.

In order to prepare for administrative agency opportunities students must understand how administrative agencies fit into our constitutional structure of the three branches of government, executive, legislative and judiciary. (Richardson 1996) As we have certainly learned over the last seventy years, administrative agencies (at least the independent ones) have become the “fourth branch” of government. Since most students are of the mindset that all legal cases are decided by federal or state courts, it is significant to highlight the impact which administrative agencies have on our daily lives and the important quasi-judicial role of many agencies. Typically, when asked to identify an administrative agency, the Department of Motor Vehicles and a driving license revocation hits home with students. Then other examples such as air and water quality, drug standards and nuclear power plant licensing can alert students to the significance of administrative agencies. Our job is to educate them as to the role different agencies play in our lives.

Once students have a clear understanding of the legitimacy of administrative agencies, then it is important for the student to grasp the structure within the agency, with clear images of its executive, legislative and judicial functions. Students applying for jobs at administrative agencies should understand the work of the agency so as to be able to recognize and qualify for the job opportunity. It is important to have a general understanding of the duties of each part of the agency. For example, does the part of the agency in which a position is available deal with regulation or adjudication? The better the understanding of the agencies and their missions, the more advantageous it is for the job applicant at an interview to both ask and answer questions appropriately.

Graduating students wanting to land a job at an administrative agency should have a base line of legal knowledge and skills appropriate for administrative agencies. First and foremost is the ability to read and comprehend regulations and cases. There is access to both current regulations and proposed regulations for students to read on the administrative agencies' website and federal register. (GPO Access) An assignment assessing the students' comprehension of regulations is critical to determine whether additional instruction is needed for students in this area. Once students have a solid ability to comprehend regulations, the student must be able to summarize and write about the regulation. Ongoing practice in this area can help all students their success rate. A sample of the student's writing can become a part of the student's portfolio for use at a job interview. The administrative agencies' rules and regulations are the backbone

of the organization's structure. A student with an ability to understand and synthesize the rules and regulations is at an advantage in obtaining the job.

Administrative agencies are always burdened with forms. (USCIS) Forms for application of licensure, visas, benefits and permits, to name a few, consume much of the agency files. A student's abilities to read, understand and complete forms may provide the student with an advantage over other applicants. Agency forms are available for practice on the agency websites. Assignments from various administrative agencies requiring the completion of forms can provide the student with invaluable experience.

Most administrative agencies interaction is with the public, whether professional, commercial or lay public. Therefore a student's ability to conduct an interview and his/her interpersonal skills should be developed in a classroom setting. Assignments can include role playing of an applicant for social security benefits or a visa, interviewing potential complainants regarding a claim or investigating violations of the regulations. Videotaping the students during these assignments and reviewing the exchange can provide the students with insight on improving this skill.

Some job opportunities include a position as an investigator for the administrative agencies. (U.S. Dept. of Labor) Job applicants need to be able to interact with potential violators of the agency's rules or regulations and analyze the facts in order to determine if there has been a violation. The student's ability to analyze facts and spot issues is a key skill. Repeated assignments using facts from court decisions for students to spot the issue can be useful to develop a student's ability. A completed assignment can be added to the student's resume portfolio.

Finally, as with most other jobs, experience can be the key that unlocks the door to a position. Most governmental agencies offer internships for students as undergraduates during the semester and in the summer. (US Department of Justice) These opportunities can provide students with experiences within the agency and an opportunity to network. This can be an invaluable asset for a student when applying for a job at the agency he/she interned or at other agencies.

Now that the student has developed the needed abilities for positions in administrative agencies, where and how do they land a job. The first place to research is located in the federal, state, and local administrative agency employment website. At the writing of this article there were 153 jobs available for paralegals at <http://jobsearch.usajobs.gov/>. Students must be prepared to relocate depending on the location of the administrative agency. The largest number of federal administrative agency jobs is located in Washington D.C. However, there are administrative offices throughout the United States. Additionally, large administrative agencies such as U.S. Department of State post job opportunities on their own website. Job applicants must comb through larger agencies' websites to explore every opportunity.

Graduating paralegal students should be encouraged to explore administrative agency job opportunities beyond the scope of the title of “paralegal.” At the time this article was prepared the USJOBS.gov site listed 197 jobs available under the title “Inspection, Investigation, Enforcement & Compliance.” One such opportunity reads:

As a Consumer Safety Inspector (CSI), you will ensure that regulated Meat and Poultry establishments produce a safe product by executing appropriate inspection methods, determining noncompliance with regulatory requirements, documenting noncompliance, and initiating enforcement action, where warranted.

At the Department of Labor website a job was listed that was not included in the USJOBS.gov website. The job listed the following:

Employee Benefits Security Administration

► **Investigators (Pension)** - You will conduct civil and criminal investigations of private pension, health care, and other employee benefit plans to ensure compliance with the fiduciary responsibility standards of the Employee Retirement Income Security Act of 1974 (ERISA), and the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPPA), the Consolidated Omnibus Reconciliation Act (COBRA), and other laws and regulations. You will coordinate and provide support in civil litigation and criminal prosecutions involving ERISA with various federal agencies (i.e., IRS, Department of Justice, Pension Benefit Guaranty Corporation).

Students should be aware that they would be eligible candidates for these positions if they have the necessary education to perform these duties. It is not beyond the scope of a student who understands how administrative agencies work, the ability to read and interpret regulations, write and have some agency experience to obtain one of the jobs. It is the educator’s job to prepare them for opportunities by instructing on reading, writing, presenting and beyond the title of “paralegal” and make students aware of how to find and obtain these employment opportunities.

These examples focused on employment opportunities within the federal government, however, there are additional opportunities at the state and local level which should be explored. Finally, in some administrative agencies with quasi-judicial functions, employees conduct hearings and the advocate for the petitioner need not be an attorney, such as at the Social Security Administration and at state Special Education Department hearings. Students and educators need to think outside the box to provide every possible job opportunity available.

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