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# FAMILY LAW

The newsletter of the ISBA's Section on Family Law

## MUM is the word for allocating personal and enterprise goodwill

By Jim Godbout

Every so often a new case comes down from the Court and causes a stir. *Marriage of Alexander*<sup>1</sup> is one of those cases. Valuation people are scouring to find out about MUM. Divorce attorneys want to make sure that their appraiser is familiar with MUM. What is all the fuss about MUM?

### Background

Recently, a case came out of the Appellate Court where a valuation professional successfully used the multi-attribute utility model theory for his allocation of personal and enterprise goodwill.

James and Valery Alexander were married on August 10, 1985. The parties separated in July 1999 and on November 6, 2001, James filed a petition to dissolve the marriage. The

evidence presented at the dissolution hearing revealed that James graduated from medical school in 1988. In 1997, he opened his own medical practice as a family practitioner. At the time of the dissolution, James had offices in Harrisburg and Marion and employed two physician assistants.

According to his 2003 tax return, the practice grossed approximately \$950,000. James reported his gross business income at \$201,841. His 2002 tax return reported his practice grossed approximately \$842,000, of which James reported his personal gross business income at \$325,416.

The first issue raised by James on appeal is whether the circuit court erred in admitting the expert testimony of David Wood, CPA/ABV, CVA (appraiser for Valery). In its order, the circuit court noted the extremely "different evaluations" that each party had placed on the value of James's medical practice. The circuit court noted that James claimed the practice was worth \$20,000 and that Valery claimed that the practice was worth \$581,000. The first issue raised by James strictly pertains to the value of enterprise and personal goodwill in the practice.

### Goodwill Overview

Personal goodwill is that goodwill that attaches to the persona and the personal efforts of the individual. Enterprise goodwill is the goodwill that attaches to the business enterprise.<sup>2</sup>

The most widely cited case which indicates the factors to be considered

when valuing professional (i.e., personal) goodwill is *Lopez v. Lopez* (113 Cal. Rptr. 58 (38 Cal. App. 3d 1044 (1974))). The factors determining the amount of personal goodwill were:

- Age and health of the professional
- Professional's demonstrated earning power
- Professional's reputation in the community for judgment, skill and knowledge
- Professional's comparative professional success
- Nature and duration of the professional's practice, either as a sole proprietor or as a contributing member of a partnership or professional corporation

In addition, these factors can be relevant in determining enterprise goodwill and thus in allocating the goodwill between personal and enterprise:

- Marketability of the practice
- Types of clients and services
- Location and demographics
- How the fees are billed
- Source of new clients
- Individual practitioner's amount of production
- Workforce and length of service
- Number of other professionals in the community competing in the same service or specialty

At the dissolution hearing, Valery's appraiser testified that, in his opinion, James's medical practice had a total goodwill value of \$350,000, of which \$245,000 consisted of enterprise goodwill and \$105,000 consisted of person-

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al goodwill. In reaching his conclusion, he testified to utilizing an approach called the multi-attribute utility model (MUM). On appeal James argues, as he did before the circuit court, that the appraiser's testimony pertaining to the value of enterprise and personal goodwill should not have been admitted because the MUM used by the appraiser to form his opinion is a novel and scientific methodology that is not generally accepted in the relevant scientific community. Accordingly, James argues the appraiser's opinion on the amount of the total goodwill that constituted enterprise goodwill was inadmissible under *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923).

After considering James's arguments, the circuit court specifically found, "Mr. Wood's approach, though not scientific, was thoughtful and persuasive." Although the circuit court admitted his testimony, it rejected his proposed total goodwill figure of \$350,000 and found James's medical practice had a total goodwill value of \$240,000. The circuit court then employed Wood's opinion to the extent that he suggested approximately two-thirds of the total goodwill in the practice consisted of enterprise goodwill. The circuit court then found that \$160,000 of the total value of goodwill in James's medical practice constituted enterprise goodwill.

On appeal, James does not challenge Wood's qualifications as an expert. James also does not contend that his testimony would not aid the Trier of fact in understanding the evidence. James's argument is simply that Wood's methodology used to determine the allocation of enterprise and personal goodwill, is a novel scientific methodology not accepted by the relevant scientific community and therefore his opinion derived from this methodology is inadmissible under *Frye*.

Illinois has adopted the *Frye* standard for use when courts are faced with a question of the admissibility of novel scientific evidence. *People v. Basler*, 193 Ill. 2d 545 (2000). The *Frye* test is also known as the general-acceptance test. This brings us to the theory the appraiser used for his allocation of personal and enterprise goodwill.

**Multi-attribute utility model (MUM)**

Multi-attribute utility models are mathematical tools for evaluating

and comparing alternatives to assist in choosing among them. They are designed to answer the question, "Given the factors we care about, what's the best choice?" MUMs are based on the assumption that the desirability of a particular alternative depends on how well its attributes measure up against key evaluation factors. For example, if you are shopping for a new car, you will prefer one over another based on how well each one scores on the factors you think are important, such as price, reliability, safety ratings, fuel economy, and style. These models can be applied in all kinds of decision situations and are often used in the technical and programmatic parts of procurement evaluations.

MUMs offer a structured way to weight, evaluate, and compare possible alternatives. They offer a quantifiable method for choosing among options. MUMs can also be used to explore the consequences of changing the attributes, their weights, or the scores they receive. Since the model usually is embodied in a simple spreadsheet, it is possible to make any number of changes and review the results. For example, if it appears that some attribute is too important in determining the results, the weights can be adjusted to produce different overall scores and to see if those differences really matter to the final decision.

One of the most useful benefits of using MUMs is that it makes clear to all involved the basis on which the alternatives are being evaluated. Some choices need to reflect evaluation of many criteria. MUMs help model that complexity by converting the evaluation to a numerical score while still presenting the logic behind the score.

In the following tables, Wood defines a seven-step guide that can offer reasonable support against evidentiary challenges.<sup>3</sup>

The steps are as follows:

**1. Define an Objective**

Determine the value of personal and enterprise goodwill from total goodwill in a well founded basis to be used effectively in the support for the opinion of value.

**2. Establish the Alternatives**

The alternatives define the possible outcomes. The alternatives are selected as a range of percentages of personal goodwill. The outcome for each range is

a specific personal goodwill percentage within the range. Enterprise goodwill is the reciprocal percentage. See Table 1 below.

**Table 1**

| Five Alternative Ranges |      |      |         |
|-------------------------|------|------|---------|
|                         | From | To   | Outcome |
| 1                       | 0%   | 20%  | 10%     |
| 2                       | 20%  | 40%  | 30%     |
| 3                       | 40%  | 60%  | 50%     |
| 4                       | 60%  | 80%  | 70%     |
| 5                       | 80%  | 100% | 90%     |

**3. Define the Attributes**

Divide the attributes into the two categories, personal attributes and enterprise attributes.

**4. Determine the Attribute's Importance and Existence Utilities**

The importance utility is an assessment of how important the attribute is in making an allocation between enterprise and personal goodwill. MUM presumes that an attribute selected has some merit, and thus, has a weight greater than zero. An in Table 2 example is shown below.

**Table 2**

| MUM Importance Utility Weights |        |
|--------------------------------|--------|
|                                | Weight |
| Least Important                | 1      |
| Moderately Important           | 3      |
| Most Important                 | 5      |

To determine the existence utility, you assess the presence of the specific attribute. An important attribute would not have as much impact on goodwill if the attribute exists only in small quantities. Each attribute is assessed to determine its existence, and then is weighted accordingly. An example of the existence utility weights is shown in Table 3.

**Table 3**

| MUM Existence Utility Weights |        |
|-------------------------------|--------|
|                               | Weight |
| Weak Presence                 | 0      |
| Below Average                 | 1      |
| Moderate Presence             | 2      |
| Above Average                 | 3      |
| Strong Presence               | 4      |

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**5. Aggregate the Results**

Divide the attributes into the two groups, enterprise and personal. Then multiply the importance utility by the existence utility to determine the attribute's multiplicative utility. Establish the respective percentages of each attribute for personal and enterprise goodwill. The following table shows the attributes and the computed utilities for a business with significant personal goodwill.

**Table 4**

|   | Importance | Existence | Multiplicative |              |
|---|------------|-----------|----------------|--------------|
|   | Utility    | Utility   | Utility        | Percentage   |
| <b>Personal Goodwill Attributes</b>       |            |           |                |              |
| Ability, Skill and Judgment               | 5          | 3         | 15             | 22.4%        |
| Work Habits                               | 3          | 3         | 9              | 13.4%        |
| Age and Health                            | 1          | 2         | 2              | 3.0%         |
| Closeness of Contact                      | 5          | 2         | 10             | 14.9%        |
| Important Personal Nature                 | 5          | 3         | 15             | 22.4%        |
| Total Personal Utilities                  | 19         | 13        |                |              |
| <b>Total Multiplicative (PGA) Utility</b> |            |           | <b>51</b>      | <b>76.1%</b> |
| <b>Enterprise Goodwill Attributes</b>     |            |           |                |              |
| Enterprise Staff                          | 3          | 1         | 3              | 4.5%         |
| Business Reputation                       | 5          | 2         | 10             | 14.9%        |
| Business Name                             | 3          | 1         | 3              | 4.5%         |
| Marketing and Branding                    | 3          | 0         | 0              | 0.0%         |
| Repeating Revenue Stream                  | 5          | 0         | 0              | 0.0%         |
| Total Enterprise Utilities                | 19         | 4         |                | 0.0%         |
| Total Multiplicative (EGA) Utility        |            |           | 16             | 23.9%        |
| <b>Total Multiplicative Utility (TMU)</b> |            |           | <b>67</b>      | <b>100%</b>  |

**6. Fit the Results to the Alternative and Analyze the Outcomes**

Fit the goodwill attributes utility and the enterprise goodwill attributes utility outcome percentage (see table above) into an alternatives table such as Table 1. The outcome is expressed as a percentage of personal goodwill. The difference between total goodwill and personal goodwill is the enterprise goodwill.

In Table, 4, the resulting multiplicative personal goodwill attribute was calculated to be 76.1 percent. In Table 1, the resulting outcome would be rounded to 70 percent as the 70 percent personal goodwill. Next, you would review and analyze the outcome using sensitivity analysis on the attributes to challenge and confirm assessments.

**7. Express an Opinion**

Assessing the attribute's utilities and fitting the outcomes to the alternative provides the basis for the opinion of the allocation between personal and enterprise goodwill. This opinion may be expressed as an opinion of value or as an estimate of value.

**Conclusion**

Principally, MUM has some merit.

It is easily readable by the Court to discover how the valuation professional determined the allocation of goodwill. Many times appraisers will simply put a percentage allocation together commenting on his reasoning. Others may attempt to value the intangible assets associated with a business, claiming that these identifiable intangible assets are enterprise goodwill. Some appraisers simply ignore distinguishing between personal and enterprise claiming it is an all or nothing circumstance.

It is commonly said, "Valuation is more art than science". That being said, there are certainly some generally accepted methods in valuation which have a certain amount of scientific theory. However, there is also a fair amount of subjectivity.

So don't be fooled by thinking that

this method is a complex scientific equation that will give you a magic number. MUM is just math. As with many mathematical equations, the accuracy of the result depends a great deal on the input variables used.

Ultimately, I must agree with the court when it cited that MUM, "although not scientific, it is thoughtful and persuasive."

Conventionally, elements of a MUM characterizing a decision maker's preferences, such as attribute weights and attribute utilities, are treated as deterministic, which may be unrealistic because assessment of such elements can be imprecise and erroneous, or differ among a group of individuals.

Thus, the attack on MUM is no different than what cross-examiners have done in the past. Mr. Appraiser, why did you put x amount of weight on this attribute and y amount of weight on that attribute? The attack of valuation people will continue to be on the subjectivity of the opinions they use in their appraisals, no matter what theory is used.

James M. Godbout, ASA, AVA, CDFA is a business appraiser and, litigation consultant. Jim is a Director with RGL – Forensic Accountants & Consultants. He can be reached at #312-251-4500 or jgodbout@us.rgl.com.

1. *In Re Marriage of Alexander*, Appellate Court of Illinois (5th District) No. 5-05-19, September, 2006.

2. Hitchner, James, *Financial Valuation Application and Models*, 2003, p.621.

3. Wood, David, "Goodwill Attributes: Assessing Utility," *The Value Examiner*, January/February 2007, page 20-29.

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# Prevention of the Holiday Emergency Motion...is it possible? Maybe yes, maybe no. But, minimizing the possibility, absolutely!

By Brigid A. Duffield

We have all had this happen—it's four days before Christmas and you are at your very festive, law office Christmas party. You have completely prepared yourself and your staff and you are sooo ready for a peaceful, stress-free holiday season. The minute you raise your glass for the holiday toast, you get the phone call. You haven't dreaded it, it wasn't supposed to come and yet here it is. Mere hours before the holiday, one of your favorite clients, who is enmeshed in a messy divorce and who rejected your prior advice that she set up specific days and times for her and her husband to be with the children for the holiday, is calling to tell you that her life is in turmoil. Of course, this is after she assured you and herself that "It's a Wonderful Life" and All is Well! She is panicky and she needs your help and action "RIGHT NOW" because her ex-husband has decided that he wants to change the holiday visitation schedule set up in their Joint Parenting Agreement.

There is not enough time for proper service and it is so close to the holiday, that an emergency motion needs to be filed the next morning. This was, of course, not on your holiday horizon. You don't know when you will be able to find the time you need to shop for last minute gifts, bake cookies and take your children caroling and ice skating, especially since you have already told your wonderful secretary of 15 years (who is leaving for Ireland right after the holiday party) that she doesn't have to do those errands this year since you have the time. Not to mention that you know how much Judge Scrooge can't stand emergency motions and is going to tell you, "Counselor, Christmas is always on December 25. This is NOT an emergency!" And of course, while you like this client, mustering up the Good Will to do the job is giving you a Holiday Headache.

We have all heard Judges admonish our colleagues and friends (not us) and admonish our clients to be prepared for the Holiday Happenings. As professionals, we have the wisdom, information,

and, hopefully detachment to advise our clients about predictable outcomes but.... client chaos, client control, client craziness can happen and when it does, most of us do our very best to reduce the number of emergencies, or avoid them all together.

According to court statistics about 85% of cases mediated do settle. Experienced divorce lawyers know and frequently count on it. So, who better than divorce lawyers to anticipate, advise, assist...and ensure that our clients do not become one of or a victim of the devastatingly increasing numbers of estranged parties who actually take the life of their spouse or partner. We do serious and important work...and holidays are especially the time to do it.

Taking charge of your office policies and reviewing your own client control techniques and especially your office "lines in the sand" will go a long way to helping you plan your own stress-free holiday and enjoy it with your family instead of your client's family.

A few things to consider...

- Consider what type of new client file you will open between September and December.
- Communicate to your clients in your monthly billing information that helps them think about what they need to do in the 90 days leading up to the holidays.
- Advise your client that this is your busy time of the year and that it will

not be possible to rearrange trials and other matters you have previously set for other clients to attend to their "emergency" issues.

- Remind them that many clients want to finalize their matters by 12/31 to maximize their tax positions and that those clients have been in the pipeline for a while before this client retained you.
- My personal favorite...Send your clients to an experienced mediator in November if you anticipate problems with holiday schedules. (November is Mediation Month...actually I made that up!) Give your clients sample holiday schedules to get them thinking about where they will fail so they can succeed independent of the legal proceeding.
- Present mediation to your clients as a way to jump start the dialogue and positively enhance their communication skills as divorced parents working together for the sake of their children not only at the holidays but year round.

You want to enjoy a peaceful holiday season; you wish your clients a peaceful holiday season. Take the steps to achieve the peace and serenity you deserve by resolving potential problems before they even begin.

Now get back to that holiday party and enjoy it...not a client is stirring, not even a mouse!

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# Utilization of paralegals in Illinois: The secret to a more efficient and profitable law practice

By Tom Higgins, Professor of Criminal Justice/Paralegal at Illinois Central College in Peoria, Illinois

## Introduction

In growing numbers, Illinois law firms have pursued the opportunity to hire a qualified paralegal in circumstances that may have dictated hiring a new associate in the past. Lawyers who currently practice without a paralegal owe it to themselves and their clients to spend a few moments reading this article. Afterwards they should be prepared to evaluate just what a qualified paralegal can do for the efficiency and profitability of a law practice. And more importantly, they should have an understanding as to how adding a paralegal to their practice will assist the lawyer in meeting or exceeding the expectations of clients.

The paralegal profession, which by some accounts has been formally in existence for the past 30 years and in reality a part of the legal landscape for much longer than that time period, is a recognized and permanent part of the practice of law in the United States and throughout the world. This recognition comes not only from the practice of members of the legal profession, but as much from the demands of the consumers of legal services here and in other countries. More often than not, clients are aware of the benefits of having paralegals to work on their cases and they specifically request (some require) that a qualified paralegal perform more of the substantive work on behalf of that client. Consequently, the U.S. Bureau of Labor Statistics continues to rank "paralegal" among the fastest growing occupations in the United States economy. The continued expansion of this career, in addition to an increased utilization of paralegals in all aspects of legal practice, requires the conscientious practitioner to explore and understand the abilities of paralegals and become familiar with the profession and what employing a paralegal may do for his or her practice and how that employment might benefit clients and the bottom line of the law firm or corporation.

## Paralegal Defined

*A legal assistant or paralegal is a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.*

—American Bar Association

There are as many types of paralegals as there are attorneys, and the responsibilities of those paralegals vary widely. Attorneys and paralegals alike are not always sure about what a paralegal can and should do. There is a very short list of what paralegals may not do, and a seemingly endless list of what they can do. Only statutory or court authority places limits on the tasks paralegals may perform. Paralegals perform the same functions as attorneys except those generally prohibited by UPL statutes: accepting clients; setting legal fees; giving legal advice; and representing others in court.

## Paralegal Education and Training

The gold standard for paralegal education and training is a degree (Associates or Bachelors) or a post-degree Certificate from a program approved by the American Bar Association. The ABA approval process is rigorous and comprehensive. There are nine American Bar Association approved paralegal education programs in Illinois. A listing of those programs with contact information is provided at the conclusion of this article. The program directors and faculty from these programs are normally the best source for finding qualified Paralegal candidates and they perform these services for free.

The primary goal of reputable paralegal programs like those ABA approved programs mentioned above is generally to produce competent, well rounded individuals who are able to work under

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1 North LaSalle St., #3100  
Chicago, IL 60602

David N. Schaffer  
101 N. Washington  
Naperville, IL 60540  
[www.avdivorcelawyer.com](http://www.avdivorcelawyer.com)

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Katie Underwood  
[kunderwood@isba.org](mailto:kunderwood@isba.org)

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the supervision of an attorney in the many areas of the practice of law. This general goal is met by way of several curriculum and employment related course objectives, carefully designed academic standards, coordinated faculty efforts and caring and consistent academic advisement. Unlike traditional law school education, paralegal education combines knowledge of the law with the application of the law through project based learning scenarios. Most paralegal graduates perform class based tasks during their formal education that some law students may not experience until years after they become lawyers. A student who is able to successfully complete one of these programs will have done so after demonstrating adequate knowledge and skill to be of assistance to a lawyer right out of the gate. Because of the consistent, quality education offered at most programs, especially the ABA approved programs, a lawyer-paralegal team can be up and running in a highly effective and efficient manner within a relatively short period of time.

### Utilization of Paralegals

I have visited many offices over the years and been party to many discussions with lawyers and paralegals alike about the utilization of paralegals. Some lawyers and practice areas, and some geographical areas of Illinois, more fully utilize paralegals than others. It is a simple fact. Even in these areas of the state where paralegals are common, those paralegals tell us too much of their time is spent on administrative or clerical tasks rather than substantive legal ones. Lawyers will often admit that their paralegals are not utilized as effectively as they might be. More often than not this is a management and communication issue with lawyers failing to delegate or paralegals failing to seek additional or higher level work.

Utilization of paralegals has been essential to the continued success of many law offices. It is the key to finding the balance between providing the highest quality legal service while minimizing the cost to the client and profit to the firm. According to the survey efforts of the ABA's Standing Committee on Paralegals, the National Association of Legal Assistants, the National Federation of Paralegal Associations and others, there has been substantial progress in the utilization of paralegals since

the mid-1970s. Survey participants regularly report expanded roles for paralegals in their practices. The ABA approved programs mentioned conduct similar graduate and employer surveys with identical findings. These surveys have traditionally shown that lawyers in small firms who utilize paralegals delegate a wider variety of tasks and responsibilities to their paralegals than do lawyers in a larger firm.

Proper paralegal utilization often depends upon the prior experience and the inclinations of the individual lawyers for whom the paralegals work. Some lawyers are more comfortable than others with delegating legal tasks to non-lawyers. In some areas of our state lawyers simply have never had an opportunity to work with a qualified paralegal. I have spent countless hours hearing how a lawyer new to paralegals was amazed by all the things a paralegal intern was able to do within his or her practice during the internship. I have spent a similar amount of time explaining how a paralegal could add to the efficiency and profitability of a particular law practice. The list of basic considerations I consistently give lawyers, firms or corporate law departments seeking ground advice on adding and properly utilizing paralegals in their practice follow below. Some of these items were developed through trial and error and the experiences of myself and my former law partners, Max Prusak, Joe Winne and Kate Gorman-Hubler. Others made the list from my years of teaching paralegal students and working with the employers who hire our graduates.

- Paralegals should have job classifications and salaries that are distinct from those of secretaries or other support staff.
- Paralegals should not be expected to perform a significant amount of clerical or secretarial duties. While paralegals work with personal computers for document drafting, case management, database, spreadsheets etc., they should be assigned secretarial support and normally share a secretary with one or more other paralegals or lawyers.
- Paralegals should be treated as professional members of the office legal team.
- Paralegals should be given regular performance reviews similar to and on the same schedule as those given

to attorneys.

- Paralegals should be given salary increases that reflect performance, experience, and his or her contribution to the success and operation of the organization.
- Paralegals should participate in meetings and other practice functions that involve matters assigned to them or practice management issues related to their assigned duties.
- Paralegals should be expected to know and understand that they are bound by the same code of professional responsibility and ethics as the lawyers in the office.
- Paralegals should be afforded an opportunity to attend CLE courses, participate in professional development and encouraged to join national and local paralegal organizations.

In recent times paralegals have become an invaluable part of the legal teams nationally and throughout Illinois. The most productive, best use of lawyers, paralegals, and support staff time comes by way of a planned team approach. As with most successful teams, the legal team members must complement one another's strengths and compensate for one another's weaknesses. Tasks should be assigned to the team member who can best complete the task in the most efficient and profitable manner.

Lawyers consistently identify the most critical skills a paralegal can possess as being organization, communication, interpersonal skills, and the ability to work independently. Considered less important but still desirable are the ability to conduct legal research and draft legal memoranda. Illinois seems to follow national trends with larger law firms more likely to assign some of the "paralegal" tasks to newer associates. Additionally, utilization of paralegals in litigation and transactional practices vary with some lawyers arguably finding a better balance between efficient and profitable use of paralegals within their practice. Positions in these areas appear to more closely follow the traditional or standard job descriptions. Utilization of paralegals in other types of practices or within many corporate law departments vary greatly and may provide those paralegals with a higher level of responsibility and more autonomy. However, it should be noted that there is no hard and fast rule or set concrete job description in large part



due to the fact that Illinois has so many quality paralegal education programs and these programs produce talented and flexible graduates who serve the legal community well.

### Cost – Benefit Analysis

If you are not now utilizing the services of a properly educated paralegal you should evaluate your practice and think about why you might do so. There are numerous benefits to paralegal utilization. Typically law firms bill a paralegal's time at a lower hourly rate than the time of the lawyer. A properly educated paralegal can handle a wide variety of tasks a lawyer would otherwise need to perform. Delegating tasks to a paralegal means the lawyer has additional time to dedicate to matters that require his or her attention. And by the sheer nature of many practices, a paralegal assigned to a matter allows for better client satisfaction as the client gains a liaison with the lawyer who is likely less able to provide as quick or timely communication.

One of the primary benefits of employing paralegals in a law firm is that paralegals are not subject to the same "up or out" model that exists when the same work would otherwise be delegated to associate lawyers. Paralegals will never have an expectation of becoming an owner of the law firm. Associate attorneys, especially good ones, not only aspire but fully expect to become owners of the firm. If the firm makes the associate lawyer an owner, it loses the leverage and investment it has in the associate. If the firm is unable or refuses to make the associate an owner, he or she leaves and the firm still loses the leverage and investment in that lawyer. There is no expectation of long-term profitability through associates. There is with a paralegal.

Another related reason to consider employing a quality paralegal over an associate is that associates require a firm to grow continually. Associates must be good lawyers. If the associate is not a good lawyer, their legal work will be less than satisfactory and the firm risks losing clients or fails to develop new ones. If the firm wants to hire and retain good associates it must do so holding out some hope for ownership. Consequently, if the firm wants to have good associates it must continually increase its client base, because to have good associates is to eventually make

new owners, which dictates that new work continually be found to leverage these new owners. In some regions of Illinois it is difficult to develop an ever-increasing amount of legal work through existing firm lawyers. Consequently, maintaining profitability solely through associates is often problematic as a long-term strategy and it has proved fatal to several Illinois firms.

Paralegals, on the other hand, will never become owners of the firm. Assuming the lawyers or firm offer reasonable compensation and work conditions the expectation of turnover is less with paralegals because they won't be placed in the "up or out" model. Paralegals can be trained over a relatively brief period of time and become reliable and steady long-term contributors to the bottom line long before associates. This is due largely to the different focus in paralegal education as opposed to the traditional law school model. Paralegals will never require new leverage to support themselves. And properly utilized paralegals become the leverage that supports the law firm in many ways above purely financial considerations.

### Bottom Line

The bottom line is that a properly educated and trained paralegal could very well become the most valuable member of your legal team. In a short period of time, with some adjustments to your current mode of operation, a qualified paralegal can help you be more efficient and profitable. The Paralegal frees up the Lawyer to focus on desired or necessary aspects of his or her law practice just as the Physicians Assistant has freed up the Doctor to focus on other aspects of the medical practice. But don't take my word for it. Look around at your colleagues in other law firms and practices. See how they have adapted their practice to include a paralegal. Ask why they did so and the theme will somehow revolve around efficiency and profitability. Find out about their experiences in changing their work habits and processes, the evolution of their practice. And finally, ask them if they would go back to practicing without their paralegal. The answer to that final question should be all you need to know.

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Tom Higgins is a Professor at Illinois Central College, where he served as Program

Director of it's ABA approved degree and post-degree paralegal programs from 1996 until spring 2007.

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### American Bar Association Approved Programs in Illinois:

Elgin Community College  
Paralegal Program  
1700 Spartan Drive  
Elgin, IL 60123  
Director: Laurel A. Vietzen  
Telephone: 847.214.7466  
[www.elgin.cc.il.us](http://www.elgin.cc.il.us)

Illinois Central College  
Paralegal Program  
201 S.W. Adams  
Peoria, IL 61635  
Director: Thomas P. Higgins  
Telephone: 309.999.4641  
<http://paralegal.icc.edu>

Kankakee Community College  
Paralegal/Legal Assistant Studies Program  
River Road, P. O. Box 888  
Kankakee, IL 60901  
Director: Kristine M. Condon  
Telephone: 815.802.8216  
[www.kcc.edu](http://www.kcc.edu)

Loyola University Chicago  
Institute for Paralegal Studies  
820 North Michigan Avenue  
Chicago, IL 60611  
Director: Jean A. Hellman  
Telephone: 312.915.6820  
[www.luc.edu/paralegal](http://www.luc.edu/paralegal)

Northwestern Business College  
Institute for Legal Studies  
4829 North Lipps Avenue  
Chicago, IL 60630  
Director: James Higginbotham  
Telephone: 773.777.4220  
[www.northwesternbc.edu/](http://www.northwesternbc.edu/)

Robert Morris College  
(Chicago and Orland Park Campuses)  
Paralegal Studies Program  
401 South State Street  
Chicago, IL 60605  
Telephone: 312.935.6430  
Director: Sharon Brabson  
[www.robertmorris.edu](http://www.robertmorris.edu)

Robert Morris College  
(Springfield Campus)  
Paralegal Studies Program  
3101 Montvale  
Springfield, IL 62704  
Telephone: 312.935.6430  
Director: Sharon Brabson  
[www.robertmorris.edu](http://www.robertmorris.edu)

Roosevelt University  
Paralegal Studies Program  
430 South Michigan Avenue  
Chicago, IL 60605  
Director: Carrie J. Lausen  
Telephone: 312.281.3300  
www.roosevelt.edu/paralegal

Southern Illinois University at Carbondale  
Paralegal Studies Program  
Mailcode 4540  
Carbondale, IL 62901-4540  
Director: Carolyn B. Smoot, J.D.  
Telephone: 618.453.1234  
www.siu.edu/~para/

South Suburban College  
Paralegal/Legal Assistant Program  
15800 South State Street  
South Holland, IL 60473  
Director: Ronald Kawanna, Jr., Dean, Legal Studies  
Telephone: 708.596.2000 (Ext. 5807)  
www.southsuburbancollege.edu

William Rainey Harper College  
Paralegal Studies  
1200 West Algonquin Road  
Palatine, IL 60067  
Telephone: 847.925.6407  
Director: Paul D. Guymon  
www.harpercollege.edu/catalog/career/para/index.htm



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**FEATURED PROGRAMS:**

Thursday & Friday, December 6-7

**Law Ed Programs**

- **Legal Implications of Effective Representation of Unmarried Couples** (2 MCLE Hours)
- **Mentor Training** (1 MCLE Hour including 1 PMCLE Hour)
- **Update on Legal Developments for the General Practitioner** (4.5 MCLE Hours; .5 PMCLE to be applied for)
- **Family Law** (5.5 MCLE Hours)

Friday, December 7 \* 9:30 a.m.

**Colleagues in Crisis** 2 MCLE Hours; PMCLE will be applied for  
Misinformation and uninformed points of view seriously compromise the ability of lawyers and judges to recognize the symptoms of illness that are killing (literally and figuratively) our colleagues and friends. This program is intended to provide information to help prevent the loss of law licenses, judicial offices, and even family relationships – all regular outcomes of untreated illnesses.

Friday, December 7 \* Noon

**Joint Meeting Luncheon**

Featured Speaker: Honorable Lisa Madigan, Attorney General, State of Illinois.



Friday, December 7 \* 6:00 p.m.

**Reception & Dinner in Honor of the Supreme Court of Illinois**

With a presentation by the Honorable Anne M. Burke.



For more information about the 2007 Joint Meeting, please visit [www.isba.org/midyearemeeting2007](http://www.isba.org/midyearemeeting2007) or call 800.252.8908 and ask for “Joint Meeting Information”.

Hotel Reservations Deadline: Monday, November 12th

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