

Time to Move Past the Term ‘Nonlawyer’ as Legal Industry Evolves

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Is it time to remove the term “nonlawyer” from the legal lexicon?

Last week, two lawyers—Olga Mack and Damien Riehl published an **online petition** for the American Bar Association **“to cease using the term ‘nonlawyer.’”**

According to the petition, “this term **perpetuates negative stereotypes and hierarchical structures, undermining our profession’s fundamental principles of inclusivity and respect,**” and **“implies a binary division between lawyers and others,** inadvertently (or purposefully) **marginalizing the invaluable contributions of our legal support professionals,** paralegals, and other professional colleagues (e.g., COOs, CFOs, CTOs).”

In Olga Mack’s first few legal jobs, she worked with numerous non-attorney professionals who were “more senior, experienced, and indispensable” to their organizations than many lawyers,” but were referred to as “nonlawyers”—based not on what they are, but what they are not. **Defenders of the term,** who posted on the LinkedIn thread, said **“nonlawyer” is accurate and efficient.** Lawyer and legal commentator Carolyn Elefant, addressing the issue back in 2017, cited the **heightened ethical duties of lawyers** and said that speaking of lawyers versus nonlawyers is “not an insult, **it’s a reality.**” But in many circles today, the term seems to have the opposite of pejorative connotations!”

Based on many of the comments on the petition, a fair number of nonlawyers have issues with this term. One client-support professional said it **“creates an ‘us versus them’ divide** that we have enough of already.”

But here’s why I’m open to finding some **new term** or terms to replace “nonlawyer”, like **“allied legal professionals”**. As both a lawyer and a writer, I’m a big believer in clear communication. And in our conversation, Damien Riehl persuaded me that “nonlawyer” is problematic—not so much because it’s offensive, but because it’s **overbroad and imprecise.**

Think about all the people who play some role, large or small, in serving the clients of a law firm. **The term “nonlawyer” includes everyone from chief operating officers with MBA degrees and patent agents with PhDs to messengers or janitors.**

Professor David Wilkins of Harvard Law School, a leading scholar of the legal profession, said it’s high time to stop using “nonlawyer.”

“I’ve been saying this for years,” he told me. “No one likes it; **it sounds like ‘non-humans.’** And we need the expertise of people like data scientists, business development and marketing professionals—and, of course, our clients, regulators, and policymakers—more than ever, in the age of ESG and ChatGPT.”

Professor Bill Henderson of Indiana University Maurer School of Law, another well-known expert on the legal industry, similarly supports the petition.

“I applaud this effort,” Henderson said. “I am 100% certain that in the years to come, the term **‘legal professional’ will include many multidisciplinary roles, including data, process, technology, design, business operations, marketing,** and much more. This issue is only going to get bigger.”

Indeed, the debate over “nonlawyer” parallels a larger debate over the extent that professionals other than attorneys should be involved in the legal industry. At least two states, Utah and California, are allowing investment into law firms by individuals who are not lawyers.

1. The summary

The key segments are in bold print in the text

Possible outline for summary divided into parts

- The petition (what?) + solution (alternative term)
- Issues with the term non-lawyers (reason?)
- arguments in favour of the term (however)

2. Commentary

The title: "Time to move past the term 'Nonlawyer' as legal industry evolves"

It is suggested that the legal industry has undergone noticeable changes.

Up until now	What is changing
Law firms= run by lawyers Rigid hierarchical structure: Senior (equity) partners Junior partners Senior associates Junior associates If the law firm is of a significant size it may include a COO (chief operating officer) or an accountant ,... HOWEVER those collaborators are not equity partners.	Lawyers and non-lawyers should be reunited under the same name: allied legal professionals and in the process blurring the differences between them It is hinted or feared that non-lawyers could become (equity partners) thereby turning law firms into some kind of companies = a law firm could then be run by non-lawyers (it reminds us of ABS even though the differences are significant)

↳ Pros and Cons of law firms turning into companies

- **pros** = more money invested into the business
more competition
lower prices
Broader range of expertise and skills

- **cons** = shift in the goals of the firm/business with a premium on (priority) on making profits to the detriment of serving the clients' best interests. Should "justice" become a commodity or a share yielding dividends?

A statement from the text :

☞ "a larger debate over the extent that professionals other than attorneys should be involved in the legal industry"

--> you'll achieve the same result / line of reasoning as with the title (see table above) = The more non-lawyers are involved in the running of the firm, the more likely it is that the priority will be to make a profit. Solution = legal regulations on such types of businesses

☞ “heightened ethical duties of lawyers”

This statement from the text highlights a major difference between lawyers and non-lawyers: their ethical duties. What is implied here is that non-lawyers, in their pursuit of profit, are not held to the same (moral, ethical) standards as lawyers are when their practice of law. This money-oriented mindset could lead to a deterioration in the quality of legal services provided by such a "legal company".

☐ Another possible way of tackling the issue of the need for law firms to include more multidisciplinary roles is to call into the question the training of lawyers. Should law students have a more comprehensive and diversified training / education (involving managing, marketing, data processing, AI...)?