



# Paralegal Responsibilities

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# Introduction

## *The Paralegal Profession*

The paralegal/lay advocacy movement has its roots in the 1960s when formal programs were started in public service agencies for the purpose of training individuals to assist in making legal services available to the poor. Private law firms, business, and governmental agencies quickly recognized the benefits of employing specially trained individuals to provide services at a lower rate, benefitting the client and increasing efficiency. Since its inception, the paralegal profession has consistently experienced growth, both in the number of paralegals currently practicing and in the type and level of responsibilities.

Recognizing the need to make legal services more widely available to the general public, paralegals have expanded their practice into many broad and diverse specialties. The demand for expertise has led many paralegals to develop knowledge and skills in highly technical or specialized subject areas. Paralegals differ in their backgrounds, experience, training, and responsibilities. Paralegals place great importance on service, flexibility, openness to new approaches of handling client needs, and diverse job definitions. These attributes have allowed the profession to maintain a client and public interest focus, to demonstrate a willingness to grow, and to change in response to the demands of society.

The paralegal/lay advocacy movement has its roots in the 1960s when formal programs were started in public service agencies for the purpose of training individuals to assist in making legal services available to the poor. Private law firms, business, and governmental agencies quickly recognized the benefits of employing specially trained individuals to provide services at a lower rate, benefitting the client and increasing efficiency. Since its inception, the paralegal profession has consistently experienced growth, both in the number of paralegals currently practicing and in the type and level of responsibilities.

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## ***National Federation of Paralegal Associations, Inc.***

The National Federation of Paralegal Associations, Inc. (NFPA) was created in 1974 by a group of eight local paralegal associations to assist the paralegal profession in building a communications network and to provide direction for future development. NFPA was formed as a non-profit federation composed of local and state level paralegal associations as well as individual members. As the profession continues to grow, so does NFPA.

Since its formation, NFPA has monitored legislation, case law opinions, and research reports on various issues that might affect the paralegal profession. When necessary, it has filed testimony with state and federal legislative bodies, presented position statements with national legal organizations, and filed amicus briefs with courts throughout the United States.

Designed as a grass-roots organization, NFPA is an issues-oriented, policy-driven association directed by its membership. Individuals and representatives from the member associations can become involved with NFPA by working on special projects, serving on a committee, or running for election to the Board of Directors positions.

Issues that will impact the paralegal profession can be raised by any member. When an issue is raised, it is usually assigned to a committee for research and analysis. Based on its findings, the committee may present a report to the entire membership for consideration and review. Delegates from local associations will then discuss the issues at one of the two national meetings held each year. NFPA uses a democratic process of discussion, debate, and voting at these meetings. Each local association, regardless of its size, has one vote. All newly-adopted policy positions must be passed by a two-thirds majority vote.

NFPA has grown from the original eight charter members to more than 55 associations, located throughout the United States, Canada, and England, and to more than 17,000 members. This membership reflects a broad diversity of experience, education, and job responsibilities. Throughout its history, NFPA has recognized and met its commitment to examine issues and explore new and innovative means by which legal services and moderate cost may be made more generally available.

Computers, law-related databases, and electronic reference sources will continue to have an impact on both the amount of information available and how services are provided. NFPA is working to ensure that paralegals have a powerful on-ramp to the information superhighway and continues to add materials and reference sources at its home page on the Internet (<http://www.paralegals.org>). NFPA will continue to assist the profession in verifying and expanding the role of the paralegal and responding to issues and events from professional legal organizations and other groups.

## ***Definitions***

Due to the explosive growth over the past three decades and the substantial increase and expansion in roles and responsibilities, the paralegal profession has further refined its position within the legal community.

As defined by the National Federation of Paralegal Associations, a paralegal/legal assistant is a person qualified through education, training or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, law office, governmental agency or other entity or may be authorized by administrative, statutory or court authority to perform this work.

NFPA agrees with the position of the American Bar Association (ABA) that the titles "paralegal" and "legal assistant" are interchangeable; however, NFPA prefers the title "paralegal." NFPA's definition, although quite broad in nature, reflects the diversity of its membership and of the profession.

Over the past ten years, the profession has evolved to the point that the title "paralegal" has needed, in certain circumstances, further interpretation. Basically, there are three general categories of paralegal practice. The supplementary titles and interpretational information generally used are:

- **Traditional Paralegal:** A paralegal who works with supervision by and/or accountability to a lawyer.
- **Freelance/Contract Paralegal:** A paralegal who works as an independent contractor with supervision by and/or accountability to a lawyer.
- **Independent Paralegal:** A paralegal who provides services to consumers with regard to a process in which the law is involved and for whose work no lawyer is accountable. Also included under the category of independent paralegal are the following:

**Special Advocate:** A paralegal who is authorized to participate in court proceedings involving specified classes of parties or cases. The special advocate may be referred to as a "court appointed special advocate" (CASA).

**Agency Representative:** A paralegal who is authorized by statute or agency rule to represent clients in agency proceedings.

The foregoing terms are not all inclusive of the titles used within the paralegal profession but are meant to provide a general overview of the evolution experienced by the profession in recent years.

Traditional paralegals constitute a majority within the profession. Traditional paralegals work in law firms, corporate legal departments, and in a significant number of government agencies, including the federal and state court systems. When law firms and corporate legal departments began hiring more paralegals, there came a need to manage the paralegal personnel and the work they were performing. Therefore, from within the ranks of traditional paralegals came the paralegal manager (sometimes referred to as a paralegal coordinator).

Freelance/contract paralegals are self-employed and act as independent contractors who are retained by attorneys from various sectors (both public and private) on a case-by-case basis. Freelance paralegals provide necessary support and expertise directly to attorneys on an as-needed basis, thereby providing an economically feasible alternative to hiring a full-time employee.

Independent paralegals are relatively new to the profession and are challenging the boundaries for the delivery of legal services. Independent paralegals often provide assistance directly to the public and offer a wide variety of services, depending on their area of expertise. Services include document preparation (also referred to as scrivener services), representation when permitted by court rule or statutory authority, and providing information about the legal system and *pro se* procedures within various courts.

## ***Education***

Education continues to play a vital role in the development of the paralegal profession. Although on-the-job training remains an important element in developing successful paralegals, formal education has an increasingly important role. Formal educational opportunities for paralegals have increased significantly since the profession's inception.

Today, more than 800 formal paralegal training programs exist throughout the United States. The vast majority of training programs are two-year degree programs found in junior colleges or within a four-year institution. The number of four-year degree programs and post-baccalaureate certificate programs continues to increase. Additionally, there are at least six institutions that offer a masters degree in paralegal studies.

In the 1970s, the ABA, through its Standing Committee on Legal Assistants, recognized the potential for growth in educational opportunities for the paralegal profession and established a voluntary approval process for training programs. The ABA created *Guidelines and Procedures for Obtaining ABA Approval of Legal Assistant Education Programs* (ABA Guidelines) and an

Approval Commission, working under the auspices of the Standing Committee on Legal Assistants, to ensure compliance with the ABA Guidelines. The approval process, albeit voluntary, does provide prospective employers with assurance that the educational institution has, at least, met minimum standards.

To obtain ABA approval, paralegal training programs must offer students a general education (liberal arts) component as well as a legal specialty (legal technical) component. Each component must consist of 18 semester hours (27 quarter hours). Currently, more than 200 paralegal training programs have sought and obtained ABA approval.

NFPA has a rich history of supporting quality education for paralegals and recognizes that a two-year degree in paralegal studies is acceptable to employers in some markets as the minimum criterion for individuals to enter the paralegal profession. NFPA recommends, however, that future practitioners have a four-year degree to enter the profession. Individuals receiving a formal paralegal education should have 24 semester hours or the equivalent of legal specialty courses to enhance their ability to practice as paralegals.

Educational programs for paralegals will continue to evolve to prepare graduates to meet the needs of the public and the legal community. NFPA continues to review and assess programs and curriculum to ensure that persons entering the paralegal profession have the necessary knowledge, skills and ability to meet the current demands for legal services and expand their role in the future.

### ***Employment Opportunities***

The Bureau of Labor Statistics estimates that employment of paralegals is expected to increase much faster than average in the rapidly expanding legal services industry. Paralegals are expected to be in great demand in legal and related fields attributable to efforts to provide more cost-effective legal services to the public. In 1992, paralegals held approximately 95,000 jobs. The Bureau's moderate projection estimates that by the year 2005 paralegals will hold approximately 176,000 jobs.

Paralegals have been and will continue to be widely employed in private businesses such as law firms, corporate legal departments, banks, trust companies, insurance companies, real estate and title insurance companies, real estate development companies, alternate dispute resolution centers, and other businesses where substantive legal knowledge and paralegal skills are required. Paralegals have and will continue to be employed in the public sector where cost-efficiency is essential. An example of the types of opportunities available to paralegals in the public sector include positions with state and federal government agencies, courts, public utility companies, publicly funded legal service projects and community legal service programs.

The paralegal profession has flourished out of a need for most cost-effective legal services. Employment opportunities for paralegals are extensive throughout both the public and private sectors. Although the federal government and law firms are the dominant employers of paralegals, the profession has become better recognized as being capable of handling a variety of tasks in a variety of situations. New opportunities continue to proliferate. NFPA offers its members a unique way to take advantage of employment opportunities through its resume service available on the Internet.

The profession will continue to thrive as more law firms, corporations and the government realize that paralegals handle tasks that allow more people to be served. States throughout the country have identified the need for greater public access to the justice system. Paralegals will continue to increase their role in the delivery of legal services and work to identify and develop new and innovative methods to increase the availability of affordable legal services.

### ***Roles and Responsibilities***

Paralegals are well-educated and well-trained with a variety of backgrounds, experience, education, and job responsibilities across a broad range of practice areas. Only statutory or court authority or a supervising attorney's determination of the paralegal's competency limits the type of tasks a paralegal may perform. Paralegals perform the same functions as an attorney except those generally prohibited by unauthorized practice of law statutes, i.e., accepting clients, setting legal fees, giving legal advice, or representing others in court. The delivery of legal services by non-lawyers before many federal administrative agencies is a well-established fact.

Because the law is complex and often ambiguous, paralegals must be intelligent with an analytical and logical mind. They must be able to recognize and evaluate relevant facts and legal concepts. Paralegals have the ability to organize, analyze, communicate, and administer. Other interpersonal skills that serve paralegals are resolving conflicts, negotiating, and relating well with various types of persons, often when these persons are in distress.

As paralegals became more integrated into the legal team and the work delegated to paralegals became more substantive in nature, attorneys began to include time for both attorney and paralegal services in fee petitions permitted by state or federal statutes. In the early 1980s courts began to recognize that paralegals were separate from support staff and encouraged attorneys to provide legal services in the most efficient manner possible. Courts awarding fees for paralegal services consistently point out that if the work had not been done by paralegals, charging fees based upon attorneys' rates would have been necessary.

NFPA believes that paralegals should uphold a high level of ethical standards. After conducting extensive research and obtaining comments from individuals with expertise in the area of ethics, in May 1993 NFPA created and adopted a Model Code of Ethics and Professional Responsibility (NFPA Model Code). The NFPA Model Code provides paralegals with ethical guidelines and standards for professional conduct to which every paralegal should aspire. through its Ethics Board, NFPA provides opinions and information in response to inquiries about ethical actions and activities. In 1997 the NFPA adopted the [Model Code of Ethics and Professional Responsibility and Guidelines for Enforcement](#).

### ***Contents of This Publication***

*Paralegal Responsibilities* contains a compilation of information from paralegals across the country. It clearly reflects that the paralegal profession is as diverse as the community it serves. Some paralegals may perform at a higher level of responsibility than shown in this publication; others, less. Overall, this publication attempts to show what paralegals do and categorizes the information by practice area for ease in reference. While compiling this information, NFPA found that many varied responsibilities could be included within the specialized practice areas. Instead of repeating responsibilities throughout the numerous specialty practice areas, NFPA has included substantive descriptions in only the specialty section. Where appropriate, the specialty practice area contains a reference to related sections.

*Paralegal Responsibilities* will continue to evolve as the profession develops in response to the public's changing needs and the restructuring of the legal system to meet those needs. NFPA will continue to monitor paralegal roles and update this publication to keep the legal community and the public fully informed about the paralegal profession.

We invite your comments and opinions. Please write to NFPA at P.O. Box 2016, Edmonds, WA 98020, or send your Internet e-mail to [info@paralegals.org](mailto:info@paralegals.org).

### ***Special Acknowledgments***

NFPA would like to thank the Legal Assistant Managers Association for its invaluable assistance in preparing the section entitled "Paralegal Management/Administration."

NFPA would also like to thank its committees and members involved in contributing to and compiling the information for this publication. Their dedication and effort is a testament to the profession. Together, we continue to make a difference.

A special thank you to *The Affiliates* its financial sponsorship of this publication.

## Alternative Dispute Resolution (ADR)

Alternative dispute resolution can take many different forms, including early neutral evaluation, mediation, arbitration, mini-trial and summary jury trial. The following tasks will collectively refer to these proceedings as an "ADR proceeding" unless the task is unique to a specific proceeding.

- Draft motion to refer case to ADR proceeding.
- Draft demand for arbitration.
- Research and procure rules governing ADR proceedings.
- Assist with preparation of agreement containing procedures and rules the parties will use in the ADR proceeding.
- Conduct background research on the arbitrator(s), mediator(s), and/or judge(s).
- Make logistical arrangements for meeting facilities and/or hearing room as necessary and appropriate for the ADR proceeding.
- Assist with preparation of jury questions for summary jury trial proceeding.
- Draft documents required by settlement agreement (i.e., lien releases, property transfer documents, and so forth)
- As necessary and appropriate, conduct legal research and draft ADR contract clauses
- Store or dispose of case documents in accordance with protective orders and/or settlement agreement.

*Note - Some of the information contained in the Litigation section of this publication also includes work performed in the ADR specialty area.*

# Appellate

## *Case Management*

- Maintain information regarding all open appeals and documents pertaining to appeals.
- Develop and maintain reference library for administrative information and court rules.
- Handle routine calls and correspondence to and from clients, co-counsel, opposing counsel, and courts.
- Arrange for extensions of time by telephone, letter and/or motion.

## *Record on Appeal*

- Review trial court file and prepare index of documents and materials that constitute the record on appeal.
- Prepare index or summary of hearing/trial transcripts.
- Arrange for visual aids, models, or other record documents for use in oral argument.

## *Preparing the Appeal*

- Draft notice of appeal.
- Draft factual portions of the appellate brief.
- Shepardize all cases cited in the appellate brief.
- Prepare table of authorities for all citations contained in the appellate brief.
- Prepare exhibits referenced in the appellate brief.
- Confirm accuracy of references to record contained in the appellate brief.
- Research and draft application for attorneys fee. Obtain all necessary information and documentation to support the fee application.

*Note - Some of the information contained in the Criminal and Litigation sections of this publication also includes work performed in the Appellate specialty area.*

# Asbestos Litigation

## *General Case Work*

- Review complaint and determine whether state court case can be removed to federal court based on diversity or federal question. Draft necessary motion and pleadings for removal.
- Prepare necessary release forms to obtain medical records, employment records, military records, and Social Security records. Arrange signing of forms through plaintiffs' counsel and obtain certified copies of all records.
- Organize, review, and summarize plaintiffs' responses to discovery requests along with all documents received from outside sources. Note exposure/diagnosis dates.
- Prepare analysis and/or charts evidencing product exposure. Alert attorneys to any statute of limitations defenses or other defenses.
- Schedule independent medical examination, if necessary, and act as liaison between medical expert and trial team to ensure that all information, documentation, x-rays and pathology materials relating to plaintiffs are properly organized and distributed.
- Supervise nurse/consultant on various projects.
- Prepare summary of factual information for attorneys use to evaluate settlement value of case or to prepare for depositions and/or trial.
- When appropriate, prepare deposition notices or affidavits in lieu of scheduling depositions.
- Arrange for expedited trial and "perpetuated" deposition testimony for dying plaintiffs.

*Note - Some of the information contained in the Litigation section of this publication also includes work performed in the Asbestos Litigation specialty area.*

## *National/Regional Counsel Tasks*

- Design, maintain, and update case tracking databases for each state and/or region that contain information concerning:
  - EPA rules/regulations that may affect clients;
  - legislative matters on threshold limits;
  - data on medical mortality/morbidity statistics for various disease processes;
  - medical journal and medline information;

- medical information on parties;
  - asbestos litigation reports and other services for latest verdicts and use of expert witness testimony;
  - expert witness information, including biographical profile, publications authored, recent data on trial involvement and samples of testimony;
  - exhibits used at depositions and/or trial by any party;
  - corporate and trade association documents;
  - information relating to products, non-expert or non-medical expert witnesses, and job site.
- Schedule national expert witnesses for deposition and/or trial and act as liaison with those experts for research needs.
  - Coordinate exchange of information with opposing counsel.
  - Act as case manager for particular jurisdictions and liaison for client's legal staff for case specific questions.
  - Act as liaison with local counsel and counsel's staff and, when appropriate, assist local counsel with responses to discovery requests, development of witness and exhibit lists, preparation of briefs and motions, and identification of demonstrative evidence to be used at trial.
  - Work with local counsel to determine variations in standards of proof for any state regulations involving threshold limit values.
  - Open and maintain escrow accounts for funds collected from defense group members to pay shared costs; prepare accountings and submit reports periodically to defense group.

*Note - Some of the information contained in the Computer Litigation Support section of this publication also includes work performed in the Asbestos-National/Regional Counsel Tasks specialty area.*

#### *FELA Asbestos*

- Research various general topics, such as documents relating to steam locomotives.

# Bankruptcy

## *Performed for Debtor*

- Interview client to obtain background information for filing petition, schedules, and statement of financial affairs.
- Provide client list of documents needed, such as tax returns, certificate of title, life insurance, leases, and liabilities.
- Obtain debt information and draft list of debts.
- Obtain asset information and prepare list of assets.
- Order asset appraisals.
- Draft press release about commencement of case.
- Prepare mass mailing of notice of commencement of case to all creditors.
- Draft petitions, schedules and statement of financial affairs.
- Assist in preparing of disclosure statement and plan of reorganization.
- Draft debtor's monthly operating reports in Chapter 11 cases.
- Assist in preference action litigation.
- Conduct research and prepare witnesses and information for various evidentiary hearings in Chapter 11 cases.

## *Performed for Creditor*

- Review debtor schedules and statement of affairs. Obtain all necessary data from client to draft proofs of claim.
- Draft notice of appearance and motion for admission *pro hac vice* for attorneys not admitted to the bar in the state of the court proceeding.
- Draft motions for avoidance of liens and reaffirmation agreements; arrange for execution of same.
- Draft motion for examination pursuant to Bankruptcy Rule 2004.
- Draft complaints as Code allows.

## *Performed for Debtor and Creditor*

- Conduct Uniform Commercial (UCC) searches and real property searches to determine status of liens on property and/or equipment.
- Arrange for appraisals of real and personal property.
- Verify that all filings with court are in proper form and order.

- Familiarize client with general procedures for bankruptcy court hearings, meetings, and motions.
- Meet with client for execution of documents.
- Handle routine calls and correspondence to and from creditors, creditors' committee chairperson, attorneys, trustee, debtors, and client.
- Attend court hearings with attorney and client to facilitate flow of documents and information.
- Draft complaints and motions for relief from stay with supporting affidavits in adversary proceedings.
- Draft attorney's fee applications and compile supporting documentation.
- Attend Section 341 meeting(s).
- Attend plan confirmation hearing.
- Maintain log to track discharge and status of bankruptcy.
- Draft judgment searches for appropriate offices.
- Draft request for information as to real estate owned by debtor; analyze and summarize documentation and information received; prepare lien priority exhibits for use in trial.
- Maintain service list for distribution of pleadings, motions, notices, and orders.

*Note - Some of the information contained in the Litigation section of this publication also includes work performed in the Bankruptcy specialty area.*

# Business/Corporate

## *Formation of Corporate Entities*

- Check name availability and reserve or register corporate name.
- Draft and file articles or certificate of incorporation.
- Draft bylaws.
- Draft notices of organizational meetings and resolutions to be adopted.
- Draft minutes of organizational meeting of incorporator(s), stockholders or board of directors, or written consents in lieu of meeting.
- Assemble and maintain corporate minute book.
- Order corporate seal.
- Draft documents necessary to issue stock certificates including subscription agreements, receipts, stock certificates, restrictive legends, investment letters, stock and stockholder registers, and trust agreements.
- Assist with the establishment of a bank account.
- Prepare and file application for federal employer identification number.
- Prepare and file appropriate state tax registrations, including workers' compensation and unemployment insurance.
- Prepare and file election by a small business corporation and draft stockholder consents to such election.
- Prepare and file documents and forms necessary to secure appropriate local business licenses.
- Prepare and file assumed name certificates.
- Prepare and file appropriate applications for professional or special purpose corporations.
- Prepare and file appropriate Internal Revenue Service forms concerning the formation of non-profit corporations.
- Draft employment agreements and confidentiality agreements for corporate officers and key employees.
- Draft stockholders agreement.
- Draft lease agreement.
- Draft buy-sell agreement.

## *Maintenance of Corporate Entities*

- Maintain corporate minute book and stockholder records.
- Draft amendments to articles or certificate of incorporation and draft resolutions for board of directors and stockholder approval, as necessary and appropriate.
- Draft amendments to bylaws and draft resolutions for board of directors and stockholders approval, as necessary and appropriate.
- Draft amendments to stockholders agreement.
- Prepare documents necessary to issue and transfer stock certificates including subscription agreements, receipts, stock certificates, restrictive legends, investment letters, stock and stockholder registers, and trust agreements.
- Prepare and maintain securities analyses and charts.
- Draft forms for public companies as required by Section 16 and other securities regulations.
- Prepare notices, proxy materials, ballots, affidavits of mailing, and agendas for annual and special meetings of stockholders.
- Draft oaths and reports of judges/inspectors of election for stockholder meetings.
- Draft resolutions to be considered by board of directors and stockholders.
- Prepare minutes of meetings of the board of directors and stockholders or written consents in lieu of meeting.
- Attend and assist at corporate meetings.
- Prepare minutes of committee meetings.
- Draft documents necessary to qualify corporations as foreign corporations in other jurisdictions.
- Draft and file annual reports, notices of changes of officers, directors, and related corporate information in jurisdiction of incorporation and in foreign jurisdictions in which corporation is qualified to transact business.
- Draft various applications and reports required by jurisdiction of incorporation and/or in foreign jurisdictions in which corporation is qualified to transact business.
- Draft trade name, trademark, service mark, and copyright applications.
- Collect internal information and assist in responding to auditors' requests for information.
- Develop analysis in connection with tax planning; draft federal, state and local tax returns and prepare for audit.

- Maintain and file abandoned property reports with all states.
- Draft UCC financing statements and subsequent amendments, assignments, or terminations with appropriate state and local agencies.
- Draft annual opinion as to UCC financing statements of record.
- Draft subsequent amendments to agreements and draft necessary documents to affect such changes.
- Draft trust instrument and certificate to form business trusts.
- Draft documents, correspondence and forms necessary to adopt qualified profit-sharing and pension plans and related trust agreements and submit such materials to the Internal Revenue Service for determination letters; prepare summary plan descriptions for employee benefit plans and any necessary notices to plan participants.

*Formation and Maintenance of Partnerships and Limited Liability Companies*

- Check name availability and reserve or register partnership or limited liability company name.
- Draft certificates of limited partnerships or articles of organization.
- Draft partnership agreements for general and limited partnerships.
- Draft partnership and limited liability company annual reports and other state filings.
- Maintain partnership and limited liability company records in a manner appropriate for the operation of the entity.
- Maintain lists of partners or members.
- Prepare minutes of meetings of partners or members.
- Draft non-competition agreements.
- Draft subsequent amendments to partnership agreements.
- Draft documents necessary to qualify partnership or limited liability company in foreign jurisdictions.

*Franchising/Business Opportunities*

- Draft franchise agreement and related agreements/contracts.
- Draft Federal Trade Commission (FTC) disclosure statements and franchise offering circulars.
- Compile information for inclusion in FTC disclosure statements and franchise offering circulars.

- File offering circulars, annual reports, and amendments in registration states.
- File notices of intent to sell franchises/business opportunities or exemption notices in registration states.
- Communicate with state regulators about registration/disclosure requirements.
- Review and file advertising/promotional materials with registration states.
- Administer disclosure process of prospective franchisees.
- Draft franchise documents for execution.
- Communicate with client or franchisee about execution of documents.
- Communicate with client or franchisee about compliance with franchise agreement.
- Draft default notices to franchisees.
- Monitor franchisee compliance with terms of franchise and other agreements.
- Write policies for disclosure and franchising processes.
- Monitor activities of franchise salespeople.
- Prepare earnings claims information to give to franchisees.
- Review requests for transfer of franchise and prepare documents for execution.
- Draft documents for re-purchasing franchise business.
- Draft documents for terminating franchise agreement.
- Maintain repository and/or database of franchise activity.
- Review and draft documents for franchisee financing.

*Note - Some of the information contained in the Intellectual Property, Real Estate and Securities/Municipal bonds sections of this publication also includes work performed in the Business/Corporate*

# Collections

## *Preliminary Investigation*

- Obtain all documentation from client concerning the account, including information about the debtor, invoices, contracts, promissory notes, payments, and related correspondence.
- Investigate public records for information about debtor's financial status, including real estate records and prior judgments.
- Draft demand letter to debtor.

## *Commencement of Formal Action*

- Draft complaint and prepare exhibits in support of complaint.
- Monitor date for response to complaint and, if appropriate, draft motion for default judgment.
- Subject to local rules/authority, appear in court at hearing for initial claim for plaintiff.
- Subject to local rules/authority, prepare, file and serve documents for examination of debtor; appear in court and conduct examination.
- Draft sworn denial if collection is sued on a sworn account.
- Draft journal entry, default or otherwise.
- Obtain certified copy of judgment transcript.

## *Post-Judgment Activities*

- If necessary, arrange for transfer of judgment to all courts having jurisdiction over debtor.
- Obtain exemplified copy of foreign judgment.
- Prepare affidavit for transfer of foreign judgment.
- Draft wage and/or bank garnishment forms.
- Draft writ of execution.
- Abstract the judgment, obtain a writ of execution, and request that the sheriff attempt to collect what is owed on the write of execution.
- Arrange for indemnity bond from sheriff.
- Draft notice of lien on real property.
- Prepare bid and attend sheriff's sale of real property.
- Track redemption period and, if appropriate, prepare documents to redeem real property.

- Arrange for posting or publication of notice of sale.
- Maintain communication with sheriff about levy on personal property.
- Negotiate payment arrangements for attorney/client approval.
- Draft promissory note reflecting payment arrangement.
- Correspond with client informing status of collection.
- Maintain judgment account worksheet to record payments, collection costs, and court costs.
- When debt is collected, draft satisfaction of judgment to release judgment.
- Draft release of judgment or release of lien.
- If or when appropriate, file request for dismissal form.

*Note - Some of the information contained in the Litigation section of this publication also includes work performed in the Collections specialty area.*

# Commercial Litigation and Collection

## *Handle Suits for Monies Due*

- Prepare filing, and serving all pleadings as required by publication, on insurance commissioner, out-of-state, out-of-country, on state, on U.S.A., by mail on corporate and individual debtors.
- Draft appropriate demand letters and correspondence as required for suits on open accounts, promissory notes, dishonored checks, replevin, unlawful detainer, quiet title, lien and mortgage foreclosure actions, receivership actions, pre-judgment attachment and garnishment, contractors' bond claims, adversary proceedings in the U.S. Bankruptcy Court, breach of contract, general commercial collection actions, personal injury, and insurance subrogation matters.
- Draft motions.
- Draft declarations and affidavits in support of orders.
- Draft orders for summary judgment memoranda and pleadings in opposition to summary judgment.
- Draft motions, declarations, and orders for filing defaults or orders required in case.
- Schedule and process the case for arbitration proceedings.
- Prepare declarations for attorney fees and costs, cost bills, assignment of judgments or claims, and judgments.
- Record judgments and register judgments in other counties, districts, states or countries.
- Prepare documents to set aside judgments and settlement/satisfaction of judgments, as well as extend judgments for ten years pursuant to statutes, administrative codes, and court rules.
- Enter *ex parte* orders directly with presiding judge or court commissioner.

## *Investigate Claims*

- Search for assets.
- Skip trace.
- Perform factual research.
- Research public documents, including but not limited to, retrieving UCC's, court records, Dun & Bradstreet reports, Secretary of State and Department of Licensing filings. Coordinate searches for public records and investigations as required.

### *Collecting Judgments*

- Prepare, file and serve all pleadings and transmitting correspondence as required for garnishment actions, charging orders, and wage assignments, including preparation of wage, financial or other writs of garnishment, applications for writ, answers, exemption pleadings, judgment on answers of garnishees, and disbursement of garnishment funds as required, default of garnishees.
- Prepare orders to quash/discharge writs.
- Prepare orders to extend period of garnishment action, and dismissal of garnishee from action.
- Prepare answers to garnishment actions.
- Processing DSHS Orders to Withhold and Deliver.
- Handle IRS levies on wages, salary, and other income.
- Draft, file, and serve all pleadings, including motions, declarations, orders, information requested, and bench warrant pleadings.
- Transmit correspondence as required for supplemental proceedings/debtors' exams.
- Process bench warrants for contempt of court.
- Coordinate debtors' arrest and appearance in court with County Sheriff or U.S. Marshal and the court.
- Draft, file and serve all pleadings and transmitting correspondence as required for supplemental interrogatories and supplemental depositions of judgment debtor.
- Draft, file, record and serve all pleadings and transmit correspondence as required for execution on real and personal property assets, as related to chattel and materialmen's lien notices, claims of lien and foreclosure actions, mortgage foreclosure actions, and satisfaction of judgments, including coordinating County Sheriff or U.S. Marshal's levy on property assets.
- Post or publish notice of sale.
- Seek court and County Sheriff or U.S. Marshal indemnity bonds from appropriate agents.
- Prepare, file, record, serve all pleadings, and transmit correspondence as required for foreclosing deeds of trust, mortgages, chattel liens, materialmen's liens, and real estate contracts.
- Prepare court pleadings and documentation to secure amounts due, including confessions of judgment, deeds in lieu of foreclosure, settlement agreements, stipulated judgments, promissory notes secured by deeds of trust, UCC financing statements and security agreements, and attending to supersedeas bonds and stays on appeal.

# Computer Litigation Support

## *General Duties*

- Discuss case-specific needs and use of software program(s) with attorney(s) and client(s).
- Determine which software suits case needs, considering programs that link document indices, images, and testimony.
- Develop case-specific database(s) to facilitate the retrieval of documents and testimony and in preparation for trial.
- Work with outside vendors (or in-house personnel) to identify documents uniformly through use of Bates labels or other means.
- Review documents and prepare summaries (also referred to as abstracts or coding sheets) for software conversion.
- Work with outside vendors (or in-house personnel) to have documents scanned (OCR'd) for full-text transfer and review within software program and/or imaged for review within software environment.
- Conduct automated searches to prepare for depositions, hearings and trial.
- Create or identify automated forms for specific practice areas.
- Develop and maintain information retrieval systems, including computerized resource materials for various specialty practice areas to be accessed and used by in-house personnel. Resource materials include:
  - Documents prepared by in-house personnel, such as commonly used legal and general forms, research memoranda, briefs, motions, and jury instructions.
  - Documents obtained from outside sources that contain general information related to specific practice areas, such as agency regulations and local court rules.

## *Management Level*

- Based upon needs of all personnel, create training manuals for each software program used.
- Prepare and conduct computer training sessions for attorneys and paralegals.
- Assist attorneys and paralegals in creating and developing case-specific databases.
- Work with programmers to revise software.

- Maintain documentation containing information about hardware and software uses and available technology; attend continuing education programs about available and future technology.
- Prepare request for proposals (RFP's) to outside vendors for equipment, software or supplemental staff; evaluate proposals and make recommendations.

## Construction

- Meet with client and obtain information about project history and current status.
- Review and obtain relevant documents located at city building department, including city meeting minutes, building applications, inspection reports, permits, and drawings.
- Obtain, organize, review and summarize bid and contract documents and any amendments thereto.
- Obtain, organize, review, and summarize all subcontractor and vendor agreements and any amendments thereto.
- Obtain, review, and summarize all insurance policies and/or bonds issued for the project.
- Obtain, review, organize, and summarize project logs, daily reports, change orders, pay applications and certified payroll records.
- Obtain, review, and summarize documentation evidencing financial transactions between all entities involved in project.
- Obtain and review relevant union contracts to ensure compliance with prevailing wage provisions.
- Prepare financial analysis and project summary.
- Interview construction manager.
- Interview representatives of subcontractors and vendors.
- Coordinate site visit/inspection; photograph site as necessary.
- Negotiate settlements with subcontractors and vendors.
- Work with experts to review and analyze project plans and specifications.
- Identify liens filed by contractor and/or subcontractors through review of county records.
- Draft mechanic's lien and obtain all documents supporting lien; coordinate filing of lien and distribution of notice of filing lien with appropriate entities/individuals.
- Obtain information about mechanic's lien(s) from county records. Obtain all necessary documents and information from lienholder to verify amount and validity of lien. Negotiate settlement of lien(s). Coordinate payment of lien(s) with client. Draft releases, including release of claims and release/satisfaction of mechanic's lien.

*Note - Some of the information contained in the Litigation and Real Estate sections of this publication also includes work performed in the Construction specialty area.*

## **Contract Administration**

- Work with internal business group representing outside vendor service to determine need for and scope of potential contract.
- Negotiate contract terms with outside vendor.
- If vendor does not provide contract, draft contract for outside services.
- Review vendor contract for accuracy of scope, provisions, and cost. Revise and/or amend vendor contract as necessary to obtain adequate protection for company.
- Maintain database and/or central repository of all existing contracts with outside vendors.
- Create contract clause manual for boilerplate contract language.
- Develop standard services contracts for routine services.

## Criminal

- Prepare and file motion for bond reduction.
- Arrange for bail.
- Gather information for plea bargaining and prepare changes or plea for arraignment.
- Obtain discovery (police reports, search warrant, and affidavits) and interview witnesses.
- Examine physical evidence and tangible objects.
- Examine and photograph scene of alleged crime.
- Analyze case based on documents and information obtained.
- Prepare for preliminary hearing or grand jury presentation.
- Draft demurrer.
- As necessary and appropriate, draft motions to change venue, set aside indictment, to suppress, for acquittal, for civil compromise, for diversion, in limine, for return of property, to postpone trial, to disqualify judge, and to withdraw as attorney of record.
- Arrange civil compromise.
- Prepare documents concerning work release.
- Draft trial memorandum.
- Attend conference with prosecutor.
- Draft motions in arrest of judgment, for new trial, for release pending new trial, for appeal.
- Prepare sentencing information and work with probation officers.
- Draft petition for leniency for probation.
- Research law about appealable issues.
- Draft assignments of error and arguments.

*Note - Some of the information contained in the Appellate and Litigation sections of this publication also includes work performed in the Criminal specialty area.*

## **Domestic Relations/Family Law**

- Collect background information on client, including marriage certificates, sources of support, residence, employment, income, assets, liabilities, and number of children.
- Participate in discussion of other options to divorce, including counseling, separation, reconciliation, and mediation.
- Complete domestic relations questionnaire based on information obtained from client.
- Assist client in preparing monthly income and expense sheet.
- Determine spousal support requirements and calculate child support.
- Analyze retirement benefits and determine how those benefits can be divided.
- Investigate and trace non-marital claims of the client.
- Draft petition for dissolution or complaint for divorce; draft response to same.
- Draft discovery requests for information relating to assets, liabilities, and income.
- Serve notice of hearing dates, discovery requests, and filing deadlines on opposing counsel or, if respondent is not represented by counsel, arrange for service of notice on respondent.
- As necessary and appropriate, draft application for temporary relief, temporary restraining orders and other temporary motions, affidavits, and orders.
- Draft protective orders, including non-contact, anti-stalking, and restraining.
- Assist client with compiling expert adult abuse petition; arrange for service; arrange docket hearing date; prepare client and file for hearing.
- Act as a witness to the removal of personal property from marital home; prepare inventory, if necessary.
- As necessary and appropriate, arrange for private investigators; request and review written report.
- Draft motion to schedule court hearing.
- Assist in settlement negotiations, including preparing analyses of assets, summaries of major issues and drafts of settlement proposals.
- Draft proposed stipulations.
- As necessary and appropriate, arrange for appraisals of real property and personal property.

- Draft property settlement agreement.
- Draft decree of dissolution, accompanying motions, and affidavits.
- Draft petition for adoption, consent for adoption, decree of adoption.
- Draft petition for name change.
- Draft *pendente lite* motions.
- Prepare file and client for *pendente lite* hearing.
- Draft notice of compliance with applicable pre-trial order.
- Prepare for trial, including reviewing file for problems and drafting amended pleadings if necessary.
- Draft proposed final order of divorce.
- Prepare attorney's fee exhibit and supporting documentation with estimated total cost through end of hearing.
- Testify about discovery or summary evidence.
- Investigate witnesses identified by opposing counsel.
- Coordinate post-hearing follow-up and inform attorney of any non-compliance.
- Draft quit claim deeds or other documents for transfer of property ownership.
- Assist in real estate closing.
- Draft necessary garnishments, writs of execution, or wage assignments.
- Monitor and ensure that all money judgments are timely paid and that partial or full satisfaction of judgments are drafted and filed.
- Draft motion for contempt or show cause orders.
- Draft motion and affidavit for modification of previous court orders concerning child support and visitation as well as restraining orders.

*Note - Some of the information contained in the Litigation, Probate/Estate Planning and Real Estate sections of this publication also includes work performed in the Domestic Relations/Family specialty area.*

## Employee Benefits

- Draft and design qualified plan documents and trust agreements, including amendments and restatements, to comply with law and regulations or client requests.
- Develop and review summary plan descriptions.
- Draft deferred compensation plans, including non-qualified executive compensation and stock option plans.
- Draft welfare benefit plans, including cafeteria plans, medical reimbursement plans, dependent care assistance plans, and health care plans.
- Draft affiliate adoption statement.
- Draft administrative documents, including notification of participation, election to participate, beneficiary designation, qualified joint and survivor annuity and qualified pre-retirement survivor annuity waivers and application for benefits, and election to contribute.
- Draft summary annual report.
- Draft benefit and/or compensation statement.
- Draft loan request forms, including consents, if appropriate, and purpose of loan verification for participant loans.
- Draft board of directors resolutions for plan adoption, adoption of amendments, contribution amounts, and other actions required to be taken by the board.
- Draft and file application for IRS determination letter.
- Assist client in preparing and filing annual report (5500 series and related schedules).
- Monitor progress of new plans and amendments to verify required actions occur on schedule.
- Review and interpret regulations issued by government agencies to determine their application and relevance to client plans.
- Assist in preparing and coordinate general notice mailings to clients about potential impact of new legal developments upon plans.
- Research interpretive questions on prohibited transactions for qualified and non-qualified plans.
- Calculate employer contributions and forfeitures and allocate to participant accounts.
- Determine earnings adjustments and allocate to participant accounts.
- Calculate participants' years of service of eligibility and vesting.

- Calculate benefit for terminated participants.
- Test pension plan for discrimination, top-heaviness and 26 U.S.C. § 425 limits (i.e., plans that have a large proportion of highly compensated employees must be fair to lesser compensated employees).
- Maintain plan as follows
  - Pay termination benefits to terminated or retiring employees.
  - Pay loan proceeds and track loan repayments.
  - Deposit employee and employer contributions to accounts.
  - File IRS Form 1099's for payments made.
  - Pay hardship withdrawals.
  - Arrange for establishment of pension payroll.
  - Track accounts to ensure investments are in accordance with investment elections.
  - Review account for updating and revisions to conform with new tax laws.
- Determine highly compensated employees for purposes of average deferral percentage/average contribution percentage (ADP/ACP) testing in connection with pension plans.
- Monitor IRS reporting and disclosure deadlines.
- Draft responses to questions raised by the IRS.
- Draft required Pension Benefit Guaranty Corporation (PBGC) filings (i.e., PBGC-1s and notices of intent to terminate).
- Draft or review qualified domestic relations orders.
- Provide recommendations about payment options for participants and beneficiaries.

# Environmental Law

## *Audits*

- Review plant procedures to confirm compliance with all applicable laws and regulations (including federal, state, city and/or county) for the audited plant location.
- Obtain, organize and distribute information to be given to plant personnel, environmental auditor, and attorney.
- If not already in place, develop procedures of stewardship at plant.
- Assist with ongoing stewardship of plant process, safety, and related programs; be familiar with programs and ensure periodic updates pursuant to applicable laws and regulations.
- Identify need and draft plans for waste minimization, reduction, reuse, and recycling.

## *Notice of Violation (NOVs) Penalties*

- Check legal authority for issuance of violation.
- Interview plant personnel and document fact situation surrounding violation.
- Maintain ongoing record of penalties for reporting purposes.
- Review discharge records to determine if violation of permit occurred.

## *Parallel Disciplines*

- Track and monitor medical, legal, scientific, and financial journals to analyze trends likely to impact exposure allegations.

## *Real Estate Concerns*

- Conduct due diligence searches regarding actual and potential environmental liability in connection with real property purchases and sales, new bond issues, and tender liability considerations.
- Perform search at state environmental agency for inspection reports, NOV's, complaints, compliance, and permitting history.
- Compile pertinent documents in connection with search for due diligence, including opinion letters.

## *Rule/Regulation Tracking*

- Monitor proposed state statutes and regulations as they proceed to enactment/adoption; maintain current copies of draft language

through final text.

- Locate and monitor subscription services to compile federal and state environmental laws for specific industries.
- Research environmental regulations and conduct legislative history searches.

#### *State and Federal: Regulatory/Permitting*

- Review permit applications for compliance with regulatory requirements.
- Review draft permits issued by the agency, paying particular attention to "boilerplate" provisions.
- Prepare comments to be reviewed by attorney and submitted during public comment period (if any provisions seem to exceed the permitting agency's authority or are otherwise objectionable).
- Attend, monitor, and report on public hearings, meetings of advisory committees, and task forces relevant to issue; obtain copies of reports of these public hearings and meetings.
- Review final permit to see if objectionable provisions have been revised or deleted; if these provisions have not changed, consult with attorney to see if permit should be appealed.
- Retrieve and analyze applicable laws and regulations to assist in preparing permit appeal to administrative tribunal.

#### *Superfund-Waste Allocation*

- Contact plant personnel to initiate document search and collect invoices, bills of lading, purchase orders, weight tickets, and other supporting documents after investigating existing materials.
- Review in-house quality control documentation with waste accountant to identify duplication and errors in waste allocation.
- Gather and maintain information about volume conversion (i.e., gallons to pounds, solids to liquids).
- Coordinate incoming documents from various client locations.
- Assemble documents for production to government agencies or third parties.
- Respond to informational requests from government agencies or third parties.
- Interview personnel to determine company involvement.
- Participate in potentially responsible party (PRP) committee meetings and conference calls; maintain current committee mailing lists.

Coordinate joint defense structure and repository.

- Maintain information concerning status of sites; track total number of sites and public record press releases about remediation plans from any party.
- Assist with clean-up budgeting based on estimated allocation amount and estimated total costs.
- Prepare summary reports based on available data.
- Maintain database and/or repository of information obtained.

*Note - Some of the information contained in the Real Estate and Litigation sections of this publication also includes work performed in the Environmental Law specialty area.*

## Foreclosure

- Review request for action by client.
- Order or perform title search.
- Inspect property and, if necessary, make arrangements for boarding up vacated premises.
- Order appraisal.
- Order tenant/debtor search if necessary.
- Draft foreclosure report and/or memorandum to client.
- Review foreclosure report with respect to priority of lienholders, whether any assignments are to be made, and determine parties to be served.
- Draft foreclosure complaint.
- Draft and record notice of *Lis Pendens* to warn all persons that title is in litigation.
- Draft motions and orders for default.
- Check for federal tax liens 30 days prior to sale.
- Check for unpaid real and personal property taxes. Confirm any penalty and interest calculations.
- Draft decree of foreclosure.
- Record all proofs of service, affidavits of mailing, and notices of publication prior to sale.
- If appropriate, draft and serve notice of nonjudicial sale on IRS.
- Draft trustees' notice of sale and arrange for publication.
- Draft bid sheet for sale.
- Draft deed in lieu of foreclosure and estoppel affidavits.
- Draft and serve trustees' notice of sale on grantor's subsequent lien creditor.
- Pursuant to local authority, appear at time and place set for sale to bid on behalf of client or postpone sale.
- Draft post-sale documents, including motion for writ of assistance and order approving sale.
- Draft trustees' deed or sheriff's deed after sale.
- Draft notice of maritime lien.
- Draft complaint, satisfaction, and decree for foreclosure of maritime lien.

- Draft correspondence to occupants giving notice to vacate.
- Draft complaint in forcible detainer action to remove occupants.
- Take possession, satisfy, and transmit promissory note and original deed of trust to trustees.

*Note - Some of the information contained in the Litigation and Real Estate sections of this publication also includes work performed in the Foreclosure specialty area.*

# Immigration

- Maintain tickler system for timely filing of extensions, petitions, and applications.
- Draft applications and petitions for filing with Immigration and Naturalization Service (INS) and the Department of Labor (DOL)
- Coordinate filing of applications and petitions with officials at INS and DOL.
- Draft letters and affidavits supporting applications and petitions.
- Obtain and organize documents supporting applications and petitions.
- Research availability of foreign documents (i.e., birth, military, prison and police records) and assist clients in obtaining them. Coordinate certification of foreign documents.
- Coordinate translation of foreign documents.
- Coordinate equivalency evaluations of foreign degrees.
- Research immigrant and nonimmigrant visa alternatives.
- Prepare client for INS interviews.
- Obtain monthly visa numbers from the State Department.
- Function as liaison between INS, DOL, and attorneys.

# Intellectual Property

## *General Duties*

- Research and compile information pertaining to
  - national and international intellectual property rights;
  - procedural matters and case law, including Lanham Act and Restatement of Torts; and
  - unfair competition and copyright infringement actions.
- Prepare status summary reports for attorneys and clients.
- Coordinate international filings with foreign law offices and/or other foreign entities.
- Maintain docket system of due dates for actions, including responses, renewals, oppositions, Section 8 and 15 affidavits, use affidavits, Patent Cooperation Treaty requirements, and payments of patent annuities in foreign countries.
- Assist in intellectual property-related litigation.
- Assist in oppositions, interferences and cancellations; draft necessary pleadings for use in these *inter partes* proceedings.

## *Trademarks*

- Perform on-line searches of Patent and Trademark Office (PTO) records, industry databases and general legal research.
- Conduct searches for information regarding trademarks.
- File applications, statements of use, renewal applications, affidavits of use, and assignments.
- Draft responses to PTO actions and oppositions.
- Police client's trademarks to guard against potential infringements.
- Review all products, advertising, and packaging to ensure proper use of client's trademarks.
- Maintain foreign trademarks, which includes corresponding directly with foreign associates and instructing them to search trademarks and to file applications, renewals, affidavits of use and oppositions.
- Obtain legalizations and certifications for filing foreign trademarks.

## *Patents*

- Some duties as outlined for trademarks; however, duties also include devising a filing strategy for each invention, which saves the client money and provides the best protection of the patent throughout the world.

### *Copyright*

- Draft and file renewal applications and infringement letters.
- Draft licensing agreements and review proposed licensing agreements.
- Review client's materials and supervise placements of copyright notices on products and materials to ensure that the client does not unintentionally copy someone else's presentation.
- Research and compile information about notice requirements, longevity of enforcement, and renewal options.

*Note- Some of the information contained in the Litigation section of this publication also includes work performed in the Intellectual Property specialty area.*

## Labor/Employment

- Draft position papers to Equal Employment Opportunity Commission (EEOC). Obtain and assemble documents pursuant to EEOC's request for information.
- Conduct factual investigation, i.e., obtain documents from various sources within the company; obtain files from government agencies; trace witnesses; pursue relevant facts.
- Prepare case outlines.
- Handle Freedom of Information Act requests and other requests for employee information.
- Analyze information and assist in preparing affirmative action plans.
- Draft performance evaluation forms for the client.
- Conduct research and develop materials for employee policy manual.
- Monitor state and federal regulations, such as OSHA and Americans with Disabilities Act, to ensure compliance by client.
- Assist with factual and legal research concerning status of employees and applicable payroll exemptions.
- Maintain repository of applicable union contracts for client and assist with activities ensuring compliance with contract provisions.
- Pursuant to local authority, gather factual information and attend unemployment compensation hearings.

*Note - Some of the information contained in the Litigation section of this publication also includes work performed in the Labor/Employment specialty area.*

## Landlord/Tenant

- Research landlord/tenant laws and rights.
- Visit residence to verify and document (photograph) problems.
- Review terms and conditions of oral and written rental agreements/leases; prepare analysis of key terms.
- Investigate city/county records to discover the building owner and past violations/complaints.
- Study notices and evictions served to see if they were prepared and served properly in accordance with lease provisions and rent receipts.
- Negotiate with landlord and tenant to resolve problems.
- Draft notice to leave the premises, complaint, requests for service and praecipe for writ of resolution.
- File and serve pleadings.
- Notify client of hearing date.
- Collect information for hearing and motion for judgment.
- Confirm service on defendant.
- Maintain contact with client or landlord as to tenant status.
- Draft motion for judgment and assist with collection.
- Identify and refer nonlegal problems to proper agencies; contact agencies for clients.

*Note - Some of the information contained in the Litigation and Real Estate sections of this publication also includes work performed in the Landlord/Tenant specialty area.*

# Litigation

## *General Duties*

- Maintain repository and/or database of current court rules.
- Collect, organize and maintain form files, including model pleadings, motions, and checklists.
- Review legal periodicals and material relevant to a specialty area of law and report or circulate pertinent facts to appropriate attorney(s).
- Track and report any pending legislation and/or case law that may affect clients.
- Maintain litigation docket, calendar, or tickler system, noting deadline dates for responsive pleadings/motions, court appearances, and other important deadlines. Remind attorneys and prepare for meetings, hearings, depositions and trials.
- Prepare literature and materials for attorneys about antitrust compliance programs for clients.

## *Preliminary Investigation*

- Attend initial interview with client; obtain background information.
- Obtain, review, organize, and analyze preliminary documentation and information supporting client's claim.
- Conduct research and determine appropriate jurisdiction.
- Review and summarize rules of procedure in court where action will be filed.
- Conduct conflict clearance checks.
- Draft demand letters.
- Investigate corporate background to determine proper party(ies) to sue, statutory agent, and officers.

## *Initiation of Action*

- Draft summons and service of process.
- Draft complaint, bill of particulars, praecipe, writ of summons, and case information statements to file with court and serve upon opposing parties.
- Arrange for service of process.
- Work with attorney(s) to develop defenses, theory of case, and trial strategy.

- Draft answer to complaint and other defensive pleadings.
- Prepare motion to transfer venue, for special appearance, or special exceptions to the petition, if appropriate.
- Arrange for expedited trial and perpetuated deposition testimony, if appropriate.
- Participate in alternate dispute resolution (ADR), mediation, or arbitration (See ADR Specialty area, *supra*, for more detailed information.)

### *Discovery*

- Retain outside investigator, if necessary.
- Conduct or coordinate factual investigation, including interview of witnesses.
- Draft interrogatories, requests for admissions, requests for production of documents, and requests for examination or inspection.
- Meet with client; coordinate the collection and review of client files; gather, organize, summarize and analyze factual data collected.
- Draft responses to discovery requests.
- Coordinate response to requests for examination or inspection with client.
- Examine and, if necessary, obtain public records relevant to facts of lawsuit.
- Conduct research to locate, communicate with, interview, and retain expert witnesses.
- Obtain written reports/analyses of physical evidence, injuries, issues, and financial evaluations from expert witnesses.
- Prepare statistical and/or factual memoranda.
- Prepare market surveys and gather industry statistics.
- Trace documents and other physical evidence.
- Analyze and summarize factual information.
- Prepare chronologies from deposition testimony, documents, and other factual records.
- Correspond with client and with in-house, outside, or common counsel on factual matters.
- As necessary and appropriate, communicate and correspond with client about case status and preparation.
- Review legal publications for hearing notices and/or proceedings in the case.

- Prepare lien letter; respond to lien letter or to opposing party.
- Supervise personnel, such as document clerks and junior paralegals assigned to specific projects for pending litigation; monitor progress of projects.

### *Document Production*

- Review and obtain all relevant documents in client's possession; work with attorney to determine documents to produce.
- Assist attorney in reviewing documents for privilege; draft log of privileged documents for production to opposing counsel in lieu of producing actual documents.
- Perform, supervise, or coordinate objective/subjective coding of case documents. Consult in-house or outside sources to develop document databases for relevant case documents from document production. (See Computer Litigation Support section, *supra*, for more detailed information.)
- Schedule, organize, and control document acquisitions and/or productions.
- Attend document production on behalf of client; if necessary review and identify documents to be duplicated for actual production.
- Review, index, organize, analyze, and summarize documents produced by other parties.
- As necessary and appropriate, prepare additional discovery requests; follow up on outstanding discovery requests to ensure response by opposing party.
- Update discovery responses as additional information is collected.

### *Depositions*

- Coordinate deposition schedule with client, attorneys, and opposing counsel.
- Draft notice of oral deposition and serve subpoenas; if necessary draft *duces tecum* language for inclusion in subpoena to acquire additional documents.
- As necessary and appropriate, prepare commissions to take out-of-state depositions.
- Draft outline of questions for examining of witnesses at depositions.
- Review and assemble documents to be used in deposition.
- Prepare witnesses for deposition.

- Retain court reporter and determine need for computerized or videotaped transcript.
- Attend deposition and assist attorney by taking notes and organizing exhibits identified during depositions.
- Index and summarize deposition testimony and exhibits.
- Draft list of documents and testimony to use in impeaching opposition witnesses and/or identifying inconsistent information.
- Develop dossiers on adverse experts; gather impeaching material regarding adverse experts including prior testimony, transcripts, relevant articles, and publications.

### *Briefing*

- Collect, organize, and maintain research reference file.
- Assist in preparing motions for summary judgment, motion to dismiss, or responses thereto.
- Research procedural, administrative, and case law. Conduct computer-assisted legal and factual research using on-line services such as WESTLAW, LEXIS or Dialog.
- Assist in preparing discovery, pre-trial, and trial motions (i.e., motions to oppose expedited discovery, to compel discovery, for protective order, to extend time limit, to preclude evidence from being admitted at trial, to admit out-of-state attorney to appear *pro hac vice*, for reconsideration of court's decision) or responses to same.
- Research and draft motions in limine.
- Draft affidavits and assemble exhibits in support of briefs and petitions.
- Communicate with court and opposing counsel regarding hearing dates, filings, etc., including arranging for extensions of time to respond.
- Review briefs for accuracy of factual information and quotes as well as citations to the record.
- Check case history with Shepard's to ensure case law cited in brief is valid.
- Review cite form in briefs for completeness and accuracy in accordance with Bluebook.
- Proof briefs for spelling, syntax, consistency, and textual integrity; ensure accuracy of table of contents and table of authorities.
- Review and assemble exhibits to be included in the appendix to brief.
- Coordinate service of brief to other parties and filing with court.

- Review brief for errata; if appropriate, prepare, file, and serve errata submission.

### *Settlement*

- Prepare settlement calculations based on factual and projected information/documentation produced in conjunction with pending litigation. Calculations should include a comparative analysis of financial information and various terms for potential settlement agreements, along with information about applicable liens and subrogation claims.
- Attend settlement conferences with attorney and client.
- Draft settlement documents, including agreements, releases and orders for dismissal or satisfaction.
- Arrange for proper storage or disposal of case documents in accordance with protective orders, settlement agreements, and/or record retention policies.

### *Trial*

- Draft pretrial statements and settlement conference memoranda.
- Attend pretrial conference with judge and attorneys.
- Prepare and index key pleadings notebook, including cited authorities.
- Prepare trial notebooks of key documents and witness files.
- Work directly with experts, consultants, and witnesses concerning case and assist to prepare them for trial.
- Discuss courtroom etiquette with client and witnesses.
- Coordinate arrangements with local vendors regarding technical courtroom equipment, space, and other requirements. If trial will be held in a distant city or state, set up "trial office."
- Develop outlines for direct and cross-examination of witnesses.
- Coordinate lay and expert witnesses' attendance at trial. Draft trial subpoenas for non-party witnesses.
- Review discovery documents for value as trial exhibits, identify potential trial exhibits, and confer with attorney regarding use at trial in conjunction with witness testimony.
- Organize, mark and index trial exhibits.
- Coordinate design and preparation of graphic exhibits, video and/or computer presentations and other demonstrative evidence materials for use at trial.
- Monitor and coordinate exchange of trial exhibits with other parties.

- Draft summary of documents and testimony to use in revealing inconsistencies and/or impeaching opposition witnesses.
- Manage physical and demonstrative evidence at trial.
- Obtain jury list and biographical information on potential jurors.
- Draft jury instructions and *voir dire* questions.
- Attend jury selection and record information obtained from *voir dire* questioning of potential jurors.
- Develop chart of jury chosen with information gathered during the jury selection process.
- Attend and assist attorney at trial by maintaining list of exhibits as identified, offered into evidence, admitted, or objected to (including judicial disposition), and noting developments of case, reactions of jurors, witnesses, and opposing counsel during trial.
- Obtain daily electronic data, audio, and/or videotape transcripts from proceedings in electronic courtrooms.
- Order hearing transcripts and prepare index or outline of transcripts, or arrange for input on full-text research database.

#### *Post-Trial*

- Draft findings of fact and conclusions of law, or final order, if appropriate.
- Draft motion for new hearing or to amend the judgment.
- Draft documents regarding satisfaction of judgment.
- Draft notice of appeal, if appropriate. (See Appellate Section, *supra*, for more detailed information.)

## **Personal Injury/Medical Malpractice/Product Liability**

- Maintain file including documents involving contact with insurance carrier(s), client, health care provider(s), employer(s) and state/local agencies.
- Obtain, review, organize, and analyze medical records. If appropriate, compile medical notebook for each individual involved in action.
- Conduct computerized medical, scientific, and technical literature research. Analyze materials and prepare synopsis.
- Obtain and compile records relating to product history and information about similar products, including research and development, manufacture, patent/copyright filings, instructions for use, distribution, sales, and advertising documents.
- Attend site, product, accident, or vehicle inspection.
- As necessary and appropriate, interview doctors, nurses, and hospital personnel involved in patient care.
- Obtain, review, and organize damage information; calculate damages (medical expenses, lost wages, household expenses, consortium claims, property damages); prepare, maintain, and update damage summaries.
- Prepare settlement proposals, including assembling information on the history of plaintiff and the nature and effect of injuries and damages.
- Develop information and acquire records for wrongful death, i.e., supporting evidence regarding sibling and/or child/parent economic claims.
- Obtain factual information about products, companies, and individuals from various resources, including government agencies.
- As necessary and appropriate, arrange medical examinations for client or opposing parties.
- Communicate with experts and provide copies of all relevant documentation regarding accident, product information, and/or medical care, including all summaries of same.
- Answer client questions, keep client updated on progress of case.
- Liaison with insurance adjusters, provide necessary information/documentation to adjusters.
- Interview experts - develop questions to ask experts. (Many times government experts will not volunteer information but will answer direct questions posed to them, so the paralegal needs to know what questions to ask.)

- Write demand letters.
- Prepare settlement statements.

# Probate and Estate Administration

## *Trusts*

- Coordinate the transfer of assets into trusts, including bank accounts, stock transfers and real estate deeds.
- Make income payments to trust beneficiaries.
- Draft fiduciary tax returns.
- Perform an investment analysis; with the trustee's approval, employ advisors or assistants as required.
- Perform routine trust accounting.
- As appropriate, prepare disclaimers in the beneficiary's interests.
- Advise the trustee of trust responsibilities.
- Distribute trust assets at termination of the trust.
- Draft petitions and proposed orders as necessary.
- Draft inter vivos trust agreements.
- Review wills for creation and direction of testamentary trusts; review court orders for creation and direction of statutory trusts.
- Maintain financial records of trusts.
- Coordinate periodic income and principal distributions from trusts.
- Correspond and communicate with trusts' grantors and beneficiaries.
- Draft inventories, accounts, and petitions for those trusts requiring adjudication.
- Obtain tax identification number for trust.
- Draft fiduciary income tax returns for trusts; inform trusts' beneficiaries of the tax liability of their distributions via IRS Schedules K-1.
- Draft intangible property tax returns for trusts and estates.
- Draft pleadings registering or terminating trusts and appointing or substituting trustees.
- Prepare schedule of allocations to trusts under will.
- Analyze and make investment recommendations to attorney for estate planning.

## *Guardianship/Conservatorship*

- Draft petitions to commence proceedings, personal well-being reports, notices of right to appeal annual and final accounts, restorations to

capacity, and closing documents.

- Prepare accountings for guardianship and/or conservatorship.
- Conduct preliminary valuation of assets held by the ward/conservatee.

### *Estate Administration*

- Prepare and maintain a calendar system, noting important estate administration deadlines and court appearances.
- Determine whether decedent left a will and, if it exists, location of will.
- Obtain the will and draft necessary documents to file will with probate court.
- If decedent owned safe deposit box, apply to probate court for an order to open the box; accompany fiduciary and court representative to bank for removal of will and other contents from safe deposit box.
- Review will provisions and report to attorney.
- Order certified copies of documents, such as the death certificate.
- Draft documents to commence a probate proceeding; file the same with the probate court and act as liaison with court personnel while identifying interested parties by determining heirs, devisees, contingent beneficiaries and creditors.
- Evaluate assets (as of date of death and alternate valuation date); verify bank balances and prepare inventory.
- Coordinate with out-of-state attorneys to commence ancillary proceedings to, for example, transfer title of vacation real estate property, ascertain necessary creditor and debtor information, and determine status of life and health insurance benefits.
- Arrange for filing death certificate in real estate records.
- Arrange for notice to creditors to be published in a local newspaper.
- Review creditors' claims; present to estate representative for approval; transmit claims to court.
- File life insurance claims and other death benefit claims.
- Determine assets requiring protection by evaluating current insurance coverage. If appropriate, arrange for continued coverage and/or add coverage for assets not previously covered but requiring coverage because the owner has died.
- Arrange for security of a decedent's homestead.
- Obtain and review income tax returns and other financial records.
- Maintain estate bank accounts and investments. Correspond with dividend disbursing agents.

- Determine when formal appraisals are necessary and arrange them accordingly.
- Make a preliminary analysis of assets held by the decedent for investment purposes, potential sale, liquidity needs, and beneficiaries' needs.
- Draft distribution schedule and, as appropriate, coordinate and/or direct the distribution of assets.
- Maintain all estate records.
- Determine the documentation necessary to effect sale or transfer of probate and non-probate assets including real estate, securities, bank accounts, other case earnings, promissory notes, mortgages, automobiles, and recreational vehicles.
- Draft individual, estate, fiduciary income, and gift tax returns.
- Analyze past tax returns and develop financial analyses and tax plans by considering state and federal estate, income, and beneficiary individual income tax results.
- Obtain federal and state tax clearance to release any tax liabilities.
- Collect documentation for audits of tax returns.
- Draft all affidavits or statements filed with tax returns or submitted during audits.
- Review pertinent documents and conduct research relating to tax filings.
- Draft tax returns for non-probate estate.
- Draft final settlement and order for final distribution.
- Prepare miscellaneous petitions, such as application for spousal allowance or authority to erect grave marker.
- Ensure that assets are properly transferred to trust for adoptions (both private and agency).
- Draft petition for approval of wrongful death settlements, settlements to minors, and name changes (adults and minors).
- Coordinate with litigation counsel in connection with any pending lawsuits filed on behalf of deceased.

*Note - Some of the information contained in the Domestic Relations/Family Law, Litigation, Real Estate and Tax sections of this publication also includes work performed in the Probate/Estate Planning specialty area.*

## Public Benefits

- As permitted by federal law, represent claimants at supplementary security income hearings.
- As permitted by federal law, represent claimants at social security disability hearings.
- Research Social Security law.
- Obtain and review documentation in Social Security file.
- Assist with Social Security overpayment waivers.
- Assist with Social Security claims for benefits, including appeals.
- Assist with Medicare waivers and appeals.
- Locate medical intonation.
- Assist with consumer fraud complaints and forward to Consumer Protection Division.
- Obtain documents for unemployment claim.
- Assist with applications for Aid to Families with Dependent Children, Equal Access to Education for the Disabled, and food stamps programs.
- Assist in various *pro bono* programs, including those sponsored by local or state bar associations and/or those developed through local or state paralegal associations.

# Real Property

## *Acquisition Responsibilities*

### Purchase Agreement

- Prepare initial draft of purchase agreement from attorney notes or interview.
- Coordinate with other parties (buyer, seller, title company, opposing counsel, lender).
- Take comments about purchase agreement and revise as necessary.
- Arrange for execution of purchase agreement.
- Review purchase agreement for critical dates and contingencies and calendar same.
- Prepare closing checklist.
- Draft deed.

## *Due Diligence Responsibilities*

### Matters of Title

- Conduct or arrange for title search and request abstract of title. Order title commitment and/or preliminary title report.
- Negotiate title insurance coverage.
- Review legal description of the property and track against map, if available.
- Review exceptions (standard exceptions regarding survey, taxes and assessments, etc.) and cumberances of record.
- Arrange for discharge/satisfaction of deed trust/mortgage (existing mortgages of record on the property) and obtain payoff figures.
- Draft and review any permits and easements. If necessary, plot against legal description.
- Review and determine validity of mineral claims through search of Bureau of Land Management records.
- Draft escrow instructions.
- Arrange for issuance of title policy.
- Existent Contracts/Lease Declarations
- Review contracts and leases for assignment, due on sale and due on encumbrance provisions; prepare abstracts regarding same.

- Draft requisite assignment, amendment or extension documentation.
- Review condominium declaration/resale certificate for due on sale provisions/rights of first refusal.

#### Purchaser/Seller Representations

- If necessary, obtain corporate organizational documents, including authorization of the applicable parties to purchase and/or sell, for all parties.
- Review corporate documents for prohibitions against borrowings, power of decision making bodies, and so forth.
- If necessary, obtain certificates of good standing/certificates of existence.
- Conduct public records search of the parties, including judgments, tax liens, and UCC filings.

#### Environmental

- If necessary, order environmental assessment.
- Review environmental assessment and prepare releases.

#### Insurance

- If residential, provide purchasers with information about homeowner's insurance.
- Coordinate with lender and purchaser to ascertain lender insurance requirements.
- Obtain and review required evidence of insurance from purchase or insurance agent.

#### *Closing Matters*

##### Prorations

- Prorate real and personal property taxes and utilities, and adjust for closing figures.
- Obtain closing figures from bank and prorate all closing costs.
- Exchange all figures with other parties.
- Review figures with client.

#### *Purchase Money Loan*

#### Loan Documentation

- Perform financial calculations (amortization, net present value, discounting, annual percentage rate).
- Draft loan agreement, promissory note, deed of trust/mortgage, security agreement, assignment of leases and rents, guaranties, and Truth-In-Lending disclosure statements.
- Obtain and/or draft necessary corporate, partnership, or limited liability company documentation and resolutions in connection with loan transaction. (See Business/Corporate Section, *supra*, for more detailed information.)
- As necessary, draft any leases and/or assignments, extensions or modifications to lease.
- If necessary, draft Uniform Commercial Code (UCC) financing statements, amendments, extensions, and/or terminations.

### *Closing*

- Finalize closing checklist.
- Organize closing folders.
- Attend closing and assist attorney in activities regarding execution of closing documents.
- Educate signatories with respect to the documents being executed.
- If appropriate, notarize documents upon execution.
- Coordinate recording of real estate documents and filing of UCC financing statements.

### *Post-Closing*

- Obtain documents to be executed post-closing.
- Coordinate with all parties concerning post-closing questions and, if necessary, provide documents.
- Follow-up on recorded/filed documents.
- Prepare closing binders.

### *Tax-Related Matters*

- Obtain solicitation form from seller, if applicable, and prepare and file Form 1099.
- Record capital gains/loss on client's income tax return.
- Draft appropriate capital gains tax affidavit.
- Assemble tax bills and payments.

- Obtain and analyze property information and current valuation.
- Draft complaint on real property assessment.
- Draft discovery requests and responses to discovery requests in conjunction with real property assessment.
- Coordinate formal property appraisal and report.
- If appropriate, prepare notice of appeal on valuation of property.

### *Leases*

- Obtain terms of lease from attorney notes or interview.
- Prepare initial draft of lease.
- If necessary, negotiate and revise lease.
- Conduct due diligence to the extent necessary.
- Arrange for any existent contract modifications.
- If necessary, draft subleases.
- If necessary, prepare memorandum of lease.
- Facilitate execution of lease and memorandum of lease.
- If necessary, record memorandum of lease.
- Review or draft estoppel certificates and/or subordinates, non-disturbance and attachment agreements.

### *Foreclosure*

- Prepare notice of intent to accelerate.
- If necessary, appoint substitute trustee.
- Draft foreclosure notice.
- Facilitate posting of foreclosure notice.
- Attend foreclosure sale.
- Prepare judicial foreclosure documentation.
- As necessary and appropriate, negotiate with owner/lender.
- See Foreclosure Section, *supra*, for more detailed information.

### *Miscellaneous*

- Prepare subdivision, condominium, and timeshare registrations for in-state and out-of-state registrations.
- Prepare registrations of recreational subdivisions for federal registrations.

- Assist with probate and trust transfers and property investigations.
- Draft notice of mechanic's lien; determine validity of existing mechanic's liens; prepare releases or waivers of rights and assist with foreclosing mechanic's liens. (See Construction Section, *supra*, for more detailed information.)

*Note - Some of the information contained in the Business/Corporate, Construction, Environmental, Domestic Relations/Family Law, Foreclosure and Landlord/Tenant, Probate/Estate Planning sections of this publication also includes work performed in the Real Estate specialty area.*

## Securities/Municipal Bonds

- Draft registration statement and prospectus.
- Coordinate filing of registration statement and exhibits.
- Draft questionnaires for officers, directors, and principal shareholders.
- Draft promissory notes.
- Draft underwriting agreements.
- Draft trust indentures.
- Draft bond purchase agreement.
- Draft blue sky memoranda and blue sky registration documents.
- Review status of blue sky registrations.
- Draft legal investment survey.
- Notify state securities administrators of Securities and Exchange Commission (SEC) effectiveness.
- Draft and file dealer and/or salesperson registration documents.
- Perfect securities dealer or issuer exemptions.
- Prepare memoranda on the availability of exemptions and requirements for registration.
- Draft and file documents for registering broker/dealers and/or salesmen with National Association of Securities Dealers (NASD), SEC, and, if necessary, state securities commissions.
- Draft NASDAQ and National Market System listing applications.
- Draft and file documents for renewing or withdrawing the registration of broker/dealers with salespersons.
- Research and obtain information concerning filings with NASD and SEC.
- Where applicable and appropriate, qualify dealer corporations.
- Draft and file Forms 3,4,5,8-K, 10-C, 10-K, 10-Q.
- Draft and file Form D.
- Draft and file Form 144 and related documents.
- Draft lease agreement, loan agreement, agreement of sale, facilities financing agreement, ordinance or contracts.
- Draft letter of transmittal and other tender offer documents.
- Draft confidential offering memorandum.
- Draft security agreements, including deeds, guaranties, mortgages.

- Draft summaries of documents to use in preparing preliminary official statement and official statement.
- Coordinate accuracy of statements with underwriter.
- Finalize basic documents and distribute for execution.
- Draft necessary resolutions authorizing the issuance of bonds.
- Send bond form to printer.
- Obtain Committee on Uniform Securities Identification Procedures (CUSIP) number for offerings.
- Proof first gallery of bonds and check manufacturing schedule, coupon amounts, and CUSIP numbers.
- Check bonds at time of closing and read bond numbered 1. Draft closing documents for issuer, including authorizing resolutions, authentication order to trustee, incumbency certificate, non-arbitrage certificates, and CUSIP numbers.
- Draft resolutions and officers' certificates for corporate approval and execution.
- Draft tax election and arrange for filing.
- Draft recording certificate.
- Draft financing statements.
- Obtain certificates from state agencies (e.g., good standing of company).
- Attend closing, check all certificates and opinions, insurance policies, and legal descriptions.
- Compile closing transcript, prepare index, and organize closing binders.
- Draft regulation of public companies.
- Prepare drafts of proxy material and statements.
- Draft annual report to shareholders.

*Note - Some of the information contained in the Business/Corporate section of this publication also includes work performed in the Securities/Municipal Bonds specialty area.*

## Tax

- Maintain records and draft returns for following taxes: corporate income, franchise, annual and quarterly employer returns, individual income, partnership income, estate, fiduciary income, gift, application for tax-exempt organizations, and informational returns for charitable organizations and private foundations.
- Draft supporting documents for claims for refunds.
- Draft amended tax returns.
- Gather and organize information for audits and reviews.
- Research current tax law, letter and revenue rulings, tax court decisions, and legislative materials.
- Maintain and update federal and state(s) tax form files and publications.
- Calculate interest on overpayments and under payments; calculate penalties.

*Note - Some of the information contained in the Business/Corporate, Probate/Estate Planning, and Real Estate sections of this publication also includes work performed in the Tax specialty area.*

## Workers' Compensation

- Draft and file applications, appeals, bills, letters, affidavits, and motions with Industrial Accident Board (IAB) or Bureau of Workers' Compensation (BWC).
- Review IAB/BWC files to obtain all information concerning claim.
- Work with client/employer's actuaries in exercising cost control measures.
- Correspond with client, physicians and employers about hearing dates, status of claim(s), and so forth.
- Monitor utilization review practices.
- Research claim options; research third-party actions.
- As necessary and appropriate, conduct medical research.
- Review procedures for taking case into litigation.
- Interpret disability schedules and medical treatment parameters.
- Obtain, review, and maintain information about various legislative and administrative law changes.
- Perform legal research and assess case law parallels within workers' compensation that have to do with similar injuries or employers.
- Investigate claims and interview claimant co-workers and/or witnesses.
- Obtain, review, and analyze claimant's medical records.
- Calculate average weekly wages and benefits.
- Pursuant to local, state, or federal authority, attend administrative hearings.
- If appropriate, coordinate arrangements for independent medical examination.
- Coordinate information and communications among client/employer, physician, insurance adjusters, rehabilitation specialists and expert witnesses.

*Note - Some of the information contained in the Litigation and Personal Injury/Medical Malpractice/Product Liability sections of this publication also includes work performed in the Workers Compensation specialty area.*

## **Paralegal Management/Administration**

- Recruit, hire, and orient new and temporary paralegals.
- Conduct disciplinary actions and terminations.
- Provide continuing legal education by presenting in-house training programs and suggesting attendance at outside seminars.
- Assign projects to paralegals; coordinate work flow; monitor billable and non-billable hours.
- Prepare financial and statistical reports including a yearly budget for the paralegal program, periodic employee status report, work assignments, and profitability analyses.
- Participate in periodic and yearly salary reviews and evaluations.
- Participate in long-range planning of the firm, with a focus on paralegal staffing.
- Promote effective and maximum utilization of paralegals.
- Set paralegal salaries and billing rates.
- Perform other administrative duties, including:
  - solving personnel problems;
  - proposing new paralegal policies and administering existing firm policies;
  - complying with labor laws; and
  - acting as a liaison between the paralegals, attorneys, and the paralegal committee to promote effective utilization of paralegals.