



# Paralegal Responsibilities

## Table of Contents

### INTRODUCTION

National Federation of Paralegal Associations  
Who is a Paralegal?  
Where It All Began  
Contents of This Publication

### SPECIALTY PRACTICE AREAS

Administrative Law  
Alternative Dispute Resolution (ADR)  
Appellate  
Asbestos Litigation  
Bankruptcy  
Business/Corporate  
Collections  
Commercial Litigation and Collection  
Computer Litigation Support  
Construction  
Contract Administration  
Domestic Relations/Family Law  
Employee Benefits  
Criminal  
Environmental Law  
Estates & Trust Administration  
Immigration  
Intellectual Property  
Labor/Employment  
Landlord/Tenant  
Litigation

Personal Injury/Medical Malpractice/Product Liability  
Public Benefits  
Real Property  
Securities/Municipal Bonds  
Tax  
Workers' Compensation

**RELATED CAREERS**

Paralegal Management/Administration

# **ROLES AND RESPONSIBILITIES**

## **INTRODUCTION**

### **NATIONAL FEDERATION OF PARALEGAL ASSOCIATIONS**

The National Federation of Paralegal Associations, Inc. (NFPA®) was created in 1974 to assist the paralegal profession in building a communications network and to provide direction for future development. It is NFPA's intent to provide the necessary foundation from which paralegals may expand their roles in the future. NFPA has grown to more than 50 associations, located throughout the United States, Great Britain and to approximately 10,000 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 at moderate cost may be made more generally available.

NFPA continues to assist the profession in verifying and expanding the role of the paralegals, and continues to respond to issues and events from professional legal organizations and other groups. It is NFPA's intent to provide the necessary foundation from which paralegals can expand their roles in the future.

### **WHO IS A PARALEGAL?**

Paralegals are educated and well trained with a variety of backgrounds, experience, education, and job responsibilities working across a broad range of practice areas. Only statutory, court authority or a supervising attorney's determination of the paralegal's competency limits the 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 and possess 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. Interpersonal skills that serve paralegals include resolving conflicts, negotiating, and relating well with various types of persons, often when these persons are in distress.

Education plays 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. In recognizing a two-year degree and recommending a four-year degree, NFPA has taken the lead in providing the profession with the necessary tools to prepare for its future role in the delivery of legal services. Education does not stop with completion of a formal study; through continuing education, paralegals expand their knowledge base, thus increasing their ability to perform more challenging tasks.

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 ("Model Code"). The Model Code provides paralegals with ethical guidelines and standards for professional conduct to which all paralegals 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](#).

## **WHERE IT ALL BEGAN**

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 those unable to pay for legal services. Private law firms, businesses, and governmental agencies quickly recognized the benefits of employing specially trained individuals to provide services at lower billing rates, benefiting the client and increasing efficiency. Since its inception, the paralegal profession has consistently experienced growth, both in the number of paralegals practicing and in the type and level of responsibilities.

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. 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 as permitted by state or federal statutes. 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.

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, demonstrate a willingness to grow and change in response to the demands of society.

## **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 NFPA:

A Paralegal 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. Substantive shall mean work requiring recognition, evaluation, organization, analysis, and communication of relevant facts and legal concepts.

NFPA's definition, although quite broad in nature, reflects the diversity of its membership and of the profession 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." Over the years, the profession has evolved to the point that the title "paralegal" has needed, in certain circumstances, further interpretation. Basically, there are four 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 in a law firm environment.* Traditional paralegals constitute a majority within the profession. When law firms began hiring more paralegals, there came a need to manage the paralegals 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).
- **Non-Traditional Paralegal:** *A paralegal who works with supervision by and/or accountability to a lawyer outside of a law firm environment.* This is where job growth in the profession is occurring. Non-traditional paralegals are employed by corporations, insurance companies, financial institutions, medical corporations, and research firms -- to name a few.
- **Freelance/Contract/Virtual Paralegal:** *A paralegal who works as an independent contractor with supervision by and/or accountability to a lawyer.* Freelance/contract/virtual 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/contract/virtual 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 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.* 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.
  - 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, for example the Social Security Administration.*

These 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.

The profession will continue to thrive as more law firms, corporations, and governmental agencies 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.

## **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 continues to monitor paralegal roles and will 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).

## **ADMINISTRATIVE LAW**

Federal agencies such as the Department of Labor, the Equal Employment Opportunity Commission, and the Securities and Exchange Commission operate under the executive branch of government.

Generally, paralegals employed at such federal agencies are classified as a "Paralegal Specialist." Depending on the agency, a Paralegal Specialist may perform the following duties.

- Use on-line computer-based information systems for legal research to gather and analyze data.
- Conduct extensive legal research to analyze and verify accuracy of citations, and correct erroneous or incomplete citations using federal and state reporter systems, computer research and microfilm.
- Perform legal research by examining all references in briefs and other memoranda.
- Analyze and identify legal issues in all cases.
- Evaluate and interpret various records and other factual documents to ascertain accuracy of cited references to support the statements made in the brief.
- Make corrections and revisions to table of contents and table of authorities to briefs where necessary in conformance with proper Supreme Court style, and Supreme Court and Blue Book rules.
- Perform legal research of relevant statutes and precedents related to pending litigation.
- Research precedent and related cases in the files to obtain relevant information and summarize previous dispositions and settlements.
- Research methods of acquiring further evidence including affidavit or interrogatories, further hearings, or various other means of communication with sources of record and exercises judgment and knowledge of laws of states and tribes to determine if information obtained is relevant for documentary evidence.
- Perform research and fact-finding to support other organizations.
- Research cite checked material in reviewing briefs for submission to the Supreme Court, processing cases, responding to questions, or dealing with legal issues.

- Research applicable Federal or state laws and statutes and sometimes tribal laws to brief an Administrative Law Judge of precedent cases or situations that may influence the determination of the case.
- Utilize Desk-top Publishing to convert draft Supreme Court briefs through MS-DOS or Word Perfect file format for camera-ready copy for printing purposes.
- Prepare reports, exhibits, memoranda, and/or statistical analysis to be used in litigating cases, answering legal questions, or making legal determinations.
- Prepare, organize, analyze, and process legal documents, records and other evidence.
- Provide training to various personnel, including state and local law enforcement officers on the Agency's processes and procedures.
- Interview witnesses for factual information.
- Assist in preparing trial documents, including metrics, charts, exhibits and monetary computations.
- Assist in processing requests for disclosure under the Freedom of Information Act (FOIA):
  - review and clarify for completeness and legal conformance to the Freedom of Information Act(FOIA) requirements;
  - identify requested information and conduct necessary research;
  - review FOIA requests and determines propriety of release of information on routine matters and provides recommendations regarding complex requests;
  - prepare supporting memoranda as necessary and other responses to FOIA requests.
- Use federal financial management computer systems to prepare and track payment activity.
- Review and examine forms and documents for all cases to ensure completeness and accuracy. If information is missing, initiate correspondence to seek information that will complete the case file in preparation of a hearing.
- Assist an Administrative Law Judge at hearings, including performance of court reporter duties such as preparing and briefing witnesses, handling exhibits, recording testimony, and monitoring procedural aspects of the hearing.
- Upon completion of an administrative hearing, may review files to determine sufficiency of evidence for disposition of the case. Where necessary, initiates correspondence seeking information to fully develop the record in preparation for final adjudication.

- Manage a high volume caseload involving sensitive data.
- Maintain progress of all cases in a multi-agency database.
- Prepare correspondence in response to inquiries from Agencies, Lawyers, heirs and/or other interested parties.

## 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.
- Set up and maintain a database of creditors.
- Create Excel spreadsheets for payments to creditors.

## *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.
- Review of Claims Agent information, verify accuracy of claims information and claim numbers.
- Review of all Claims Objections, track deadlines for responses and hearings.
  - Assist in the analysis of preference claims filed against the Creditor.

### *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 or via registered agents 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 attachments and garnishments, 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.

## 7ca di hYf Litigation Support

### *General Duties*

- Will act as an internal consultant and provide hands-on support to attorneys and legal staff in the development, implementation, and support of efficient, cost-effective discovery processes, case automation systems, and practice support applications.
- Consult with legal teams to identify best practices and establish processes for the identification, preservation, collection, analysis, processing, review, and presentation of paper and electronic discovery materials
- Advise, consult, and assist attorneys, paralegals and/or case teams on eDiscovery case management, as well as act as a liaison between the information technology, other administrative departments of the firm and vendors.
- Assist attorneys with various technological issues and stay current on the rapidly changing technology developments relating to litigation support such as online review databases, coordinating day to day tasks of eDiscovery vendors and completing production and processing of requests.

Create, update, and maintain databases in practice support applications, including but not limited to: Concordance; Summation; Ringtail; IPRO Suite; West LiveNote; Extractiva; CaseMap/TimeMap; Trial Director; Sanction; Microsoft Access; SAS; Compulaw; MS SharePoint; AMS Legal; and hosted solutions (for example, kCura Relativity, iConect, Attenex, etc.) or other similar litigation support and eDiscovery software tools as required.

- 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, maintain, and troubleshoot case-specific database(s), image bases, and image load files, 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.
- Design, prepare and conduct computer training sessions on practice support applications for attorneys, paralegals and legal staff.
- Consult with counsel, legal staff to identify automation opportunities, technology needs and assist with trial preparation.
- Establish temporary support centers for pretrial and trial activities.
- Review and assess requests for practice support services.
- Consult with team members, clients, and vendors to establish quality control procedures
- Consult and advise legal teams, clients, vendors, as well as other project managers, on best practices for the preparation of documents, to establish quality control procedures, on matters relating to electronic discovery and how to best use litigation support technologies to support projects.
- Organize and implement equipment, supplies, and services for use in practice support activities
-

- In depth understanding of the litigation lifecycle, litigation technology, and electronic discovery.
- Possess and keep current proficiency in trends, best practices, significant caselaw, and processes related to ESI.
- Assist attorneys and paralegals in creating and developing casespecific 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.
- Liaison between legal and IT departments.

Maintain relationships with to external vendors of practice support services, including management of projects and deadlines and communication of requirements and deadlines.

- Ability to handle multiple simultaneous projects with consistently high quality results.
- Responsible for litigation support portion of IT budget including equipment and software purchases and upgrades.
- Adapt skills used with litigators to other practice areas within the Firm to integrate technology into the practice of law

## 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 client/vendor service to determine need for and scope of potential contract.
- Prepare drafts of contracts for legal department. Propose alternative text/clauses for external client/vendor contracts as appropriate.
- Negotiate contract terms with clients/vendors and maintains documentation of changes.
- Manage contract approval process to ensure client/vendor compliance.
- Collect and verify credentials and other required documentation for execution of new contracts or amendments. Produce business and financial information required by external clients/vendors.
- Identify contractual issues and takes appropriate action to ensure a satisfactory resolution.
- Coordinate contract interpretation, implementation, and communication, both internally and externally.
- Ensure that the contract is thoroughly reviewed for legal, risk management, tax and accounting issues prior to submitting for executive approval.
- Participate in various workgroups or committees as needed to ensure contract requirements are met and maintained.
- Create and distribute reports showing status of contract activity.
- Maintain and manage contract database.
- Create contract clause manual for boilerplate contract language.

# 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***

Obtain background information.

- Obtain, review, organize, and analyze preliminary documentation and information supporting client's claim.

Review rules of procedure in court where action will be filed.

- 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.

- 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.
- 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 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.
- Retain court reporter and determine need for computerized or videotaped transcript.
- 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.
- Assist in finalizing 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.
- 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.
- 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 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.
- Order and review survey.
- 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 encumbrances of record.
- Arrange for clearance of all liens and encumbrances listed on title commitment by providing appropriate documentation to the title company and draft or otherwise provide documentation to satisfy all other title company requirements.
- 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 promissory note, assignment of leases and rents and guaranties.
- 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, nondisturbance 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.
- See Foreclosure Section, *supra*, for more detailed information.

### *Miscellaneous*

- Prepare subdivision, condominium, and timeshare registrations for instate 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.)

## 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.