

THE WHO WHAT WHY AND HOW OF USING PARALEGALS

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WHAT PARALEGALS DO (AND LAWYERS SHOULDN'T DO)

The LawCost Management Group

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General Tasks: What Paralegals Do

Conduct interviews w/clients to gather background info
Correspond w/clients, counsel, & others on factual matters
Inform client periodically of case/matter status
Draft pleadings & documents
Organize & maintain forms & client files
Index or summarize documents or transcripts
Assemble & analyze records from courts or agencies relevant to a case or client
Prepare clients for court hearings
Assist in administering law library
Review legal periodicals & material relevant to a specialty area of law
Maintain current binders of court rules
Maintain calendar or tickler system
Administer paralegal program
Research law, including procedural, administrative, or case law
Keep track of & report any pending legislation that may affect clients

Bankruptcy Matters: What Paralegals Do

Interview client to obtain info for filing petition & schedules
Give client written lists of documents needed, i.e., tax returns, certificate of title, life insurance, liabilities, & so forth
Obtain list of assets
Arrange for appropriate UCC filings & real property searches, appraisals, & so forth
Review forms to obtain all necessary data
Familiarize client w/general procedures at bankruptcy court hearings, meetings, & motions
Draft & file petitions & schedules
Draft & file proofs of claim
Meet w/clients for execution of documents
Handle incoming & outgoing routine calls & correspondence to creditors, creditors' committee chairperson & attorney, trustee, & client
Attend court hearings w/attorney & client to facilitate flow of documents & info
Keep track of timetable, i.e., when to file motions & serve motions
Draft motions for avoidance of liens & reaffirm agreements & arrange for execution of same
Draft, serve, & file debtor's monthly financial statements in Chapter 11 cases
Draft, serve, & file complaints in adversary proceedings
Draft & file attorney's fee applications
Attend Section 341(a) meeting
Attend Chapter 13 Plan confidential hearing
Maintain log to check off discharge & status of bankruptcy
Draft judgment searches for appropriate offices
Draft request/analyze info as to real estate owned by debtor; prepare lien priority exhibits for use in trial
Review clerk's docket & claims register

Business/Corporate Matters: What Paralegals Do

Check availability & reserve corporate name
Draft & file Articles of Incorporation
Complete & file qualification of foreign corporations
Obtain good standing certificates from Secretary of State
Draft bylaws
Draft notices & minutes, or consents of organization meeting
Draft Subscription Agreements
Issue & transfer stock, prepare stock certificates & shareholder registers, & prepare & maintain analyses & charts of outstanding securities
Draft banking resolutions
Draft Shareholder Agreements
Prepare necessary documents for opening of corporate bank account
Draft Employment Agreements
Complete & file assumed name certificates
Complete & file Election by Small Business Corporation & subsequent shareholders consents to such election
Complete & file Application for Employer Identification Number
Complete & file Application for Workers' Compensation
Notify State Tax Commission of stock book location
Prepare & file DISC elections
Complete & file Application for Unemployment Insurance
Complete & file Application for Employer Withholding Tax Registration
Complete & file application for appropriate licenses to operate specific businesses
Complete & file trade name applications, copyright applications, & financing statements
Order minute book, stock book, & seal
Draft & file application for proper licensing when forming professional or special purpose corporation
Draft response to auditors' request for info
Prepare & file annual reports
Maintain a tickler system for annual meetings
Draft notices, proxy materials, ballots, affidavits of mailing, agendas for annual meetings & special meetings
Draft resolutions to be considered by directors
Draft oaths & reports of judges of election for annual meeting
Draft shareholders' & directors' minutes
Draft written consents in lieu of meetings
Draft documents & correspondence necessary to effect dissolution & liquidation, consolidating merger & sale of substantially all of the assets of corporations
Draft stock option plan, maintain stock option registers & related charts
Collect info, draft documents & correspondence necessary to adopt qualified profit-sharing & pension plans & related trust agreements & other documents Submit such materials to IRS for determination letters
Draft & organize closing documents on corporate acquisitions
Draft lease agreements
Draft Articles of Merger or Consolidation, Plan of Merger or Consolidation
Draft closing checklists & closing memoranda
Prepare closing files & assist in closing
Draft articles of dissolution
Perform due diligence investigation
Compile & index documents in corporate transactions
Draft partnership agreements & amendments
Draft statements of partnership & certificates of limited partnership
Draft certificates of amendment to certificates of limited partnership

Prepare & publish Notice of Substance of Certificates of General & Limited Partnership
Draft minutes of partnership meetings
Draft non-competition agreements for selling partners
Draft Agreement for Dissolution of Partnership
Draft & publish Notice of Termination of Partnership (or Continuation of Successor Business)
Draft certificates or cancellation of certificates of limited partnership
Draft & file trade name documents & amended trade name documents
Draft analysis in connection w/tax planning & draft state & federal tax returns & prepare for audit
Prepare documents for qualification to do business in foreign jurisdictions
Prepare necessary documents to amend & restate Articles of Incorporation & amend bylaws
File & terminate UCC Financing Statements w/state & county offices
Search state & county offices for federal tax liens, UCC filings, deeds, mortgages, & judgments
Prepare & file DBAs, certificates of trade names, & certificate of assumed names w/the appropriate state office
Prepare & file governmental applications & reports
Collect info from & verify filings w/the Secretary of State & other state & local agencies
Change registered office or agent
Prepare reports to the Securities & Exchange Commission (SEC) & New York Exchange
Obtain info for SEC & other public agencies
Attend corporate meetings
Prepare & maintain corp records of subsidiaries, along w/minutes of all incentive compensation plan committees
Follow up trademark & patent searches w/Trademark Counsel
Maintain & file Abandon Property reports (escheat laws) w/all states
Prepare Blue Sky survey & Blue Sky forms & other documentation relating to public & private sale of securities
Research facts (e.g. public library, newspaper files, financial publications)
Research statutes
Prepare Summary Plan Description

Collections Matters: What Paralegals Do

Review documents the client provides
Conduct asset investigation
Draft demand letter to debtor
Draft summons & complaint
Draft motions for or in opposition to summary judgment, including memoranda, & affidavits in support
Draft judgment, cost bill, & other supporting pleadings
Maintain judgment account worksheet to record payments, collection costs, & court costs
Draft notice of demand to pay
Draft, file & serve documents for Judgment debtor examination
Appear in court at hearing for initial claim of plaintiff
Draft, have issued, & serve writ of garnishment
File request for dismissal form
Draft, have issued, & serve order to release garnishment
Draft, have issued, & serve order of examination
Appear in court & conduct examination
Draft, have issued, & serve writ of execution
Arrange for indemnity bond from sheriff
Arrange for posting of notice of sale or publication of notice of sale
Maintain communication w/sheriff about levy on personal property
Prepare bid & attend sheriffs' sale of real property
Obtain certified copy of judgment transcript
Transfer judgment transcript to a different court
Obtain exemplified copy of foreign judgment
Prepare affidavit for transfer of a foreign judgment

Register judgment in a different state
Prepare & file satisfaction of judgment

Family Law Matters: What Paralegals Do

Attend initial interview w/attorney & client & help identify legal problems that can be referred to other entities
Collect background info on client, including marriage certificates, sources of support residence, assets, number of children, & so forth
Determine if grounds for divorce or dissolution exist
Participate in discussion of other remedies, including counseling, separation, reconciliation, & mediation
Draft petition for dissolution or response
Complete domestic relations questionnaire
Draft temporary motions, affidavits, & orders
Draft notice to produce
Draft property settlement agreement
Determine support requirements & calculate child support
Draft decree of dissolution, accompanying motions & affidavits
Draft motion & affidavit for modification
Serve notice on opposing counsel
Arrange for service of documents
Obtain settings for court hearings
Maintain contact w/client & handle calls when legal advice is not needed
Help client prepare monthly income & expense sheet
Arrange for appraisals of real property & personal property
Draft subpoenas & arrange for service
Schedule expert witness interviews & appearance at trial
Obtain info for discovery, organize, categorize, & determine completeness of discovery
Draft proposed stipulations
Draft petition for adoption, consent for adoption, decree of adoption
Draft petition for name change
Draft initial or responsive pleadings; check on service of process, & draft any necessary motions for service
Explain paralegal responsibilities to the client
Draft pendente lite motions
Prepare file & client for pendente lite hearing
Help client complete expert adult abuse petition; arrange for service; arrange docket hearing date; prepare client & file
Draft interrogatories; docket when answers are due; review answers; highlight answers that seem questionable or questions that have been objected to; forward to responsible attorney
Set depositions; have subpoena duces tecum served; arrange for court reporter; attend depositions, if necessary; make sure court reporter is paid; prepare deposition summaries Use custodians through use of subpoena duces tecum to acquire records; arrange for service of process Use public info sources to get info
Arrange for private investigators
Prepare request for admissions; docket when responses are due & follow up
Preview incoming discovery requests; docket response deadlines; compile answers & documents; draft necessary answers
Interview witnesses & serve subpoenas
Investigate law & arrange for expert witnesses
Keep track of client fee balance
Prepare for trial including reviewing file for problems & drafting amended pleadings if necessary
Issue trial subpoenas to witnesses, arrange service, & file return of service
Update discovery
Prepare proposed order
Organize trial exhibits & prepare exhibit list

Have charts, graphics, blow-ups, & so forth prepared
Keep client informed
Prepare compliance w/applicable pre-trial order
Discuss courtroom etiquette w/client & witnesses
Prepare attorney's fee exhibit w/estimated total cost through end of trial
Notify witnesses of status of trial date & have them on call
Assist attorney at trial
Manage file at trial
Assist attorney in settlement discussions
Keep track of exhibits introduced & admitted at trial
Take notes at trial
Testify about discovery or summary evidence
Investigate opposing sides' unknown witnesses
Coordinate post-trial follow up including making sure all files are brought back to office after compliance w/order & inform attorney of any non-compliance
Draft motion for new trial or to amend the judgment
Prepare QDROs & get them approved by all interested parties & attorneys
Draft & file necessary garnishments, writ of execution, or wage assignments
Make sure money judgments are paid timely & partial/full satisfaction of judgments are drafted & filed
Draft motion for contempt & show cause orders
Assist in appeal process including drafting notices of appeal & statement of case
Order legal file & transcript
Prepare legal file
File record on appeal
Draft necessary requests or motions
Prepare file & summary for settlement conference w/appellate judge
Prepare file & evidentiary exhibits for oral argument
Drive clients to & from trial and/or hearings

Foreclosures: What Paralegals Do

Order foreclosure report
Review foreclosure report w/respect to priority of lien holders & determine parties to be served
Draft foreclosure complaint
Draft trustees notice of sale & arrange for publication
Prepare & serve trustees notice of sale on grantors subsequent lien creditor
Draft motion & support documents for summary judgment
Draft motion & order for default
Draft decree of foreclosure
Record all proofs of service, affidavits of mailing, & publication prior to sale
Check for federal tax liens 30 days prior to sale
Draft & serve notice of nonjudicial sale on IRS if appropriate
Draft bid sheet for sale
Draft deed in lieu of foreclosure
Attend sale
Draft post-sale documents, including motion for writ of assistance
Appear at time & place set for sale to postpone sale
Draft & record trustees deed after sale
Draft & record notice of maritime lien
Draft complaint, satisfaction, & 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, & transmit promissory note & original deed of trust to trustee

Immigration Matters: What Paralegals Do

- Interview clients to obtain background info
- Function as liaison between clients & attorneys
- Maintain tickler system for timely filing of extensions, petition, & applications
- Prepare applications & petitions for filing w/INS & the Department of Labor
- Obtain & coordinate documents in support of applications & petitions
- Coordinate translation of foreign documents
- Coordinate equivalency evaluations of foreign degrees
- Research immigrant & nonimmigrant visa alternatives
- File applications & petitions w/officials at INS & DOL
- Obtain monthly visa numbers from the State Department & update tickler system
- Research availability of foreign documents & assist clients in obtaining them
- Draft letters & affidavits in support of applications & petitions
- Function as liaison between INS, DOL, & attorneys
- Coordinate certification of foreign documents

Intellectual Property Matters: What Paralegals Do

- Prepare patent and/or trademark status summary reports
- Maintain docket system for due dates for responses, renewals, opposition, Section 8 & 15 filings, use affidavits, & working requirements
- Maintain docket system for payment of patent annuities in foreign countries
- Conduct patent and/or trademark searches
- Conduct on-line computer info searches of technical literature for patent/trademarks
- Draft trademark/servicemark registration application, renewal application, Section 8 & 15 affidavits
- Draft response to trademark examining attorney's official action
- Draft registered user agreements
- Draft power of attorney
- Draft copyright applications
- Research procedural matters, case law, & unfair competition matters
- Search prior art, patents, & trademarks
- Assist in opposition, interference, infringement, & related proceedings
- Arrange for visual aids, models, & mock-ups for trial use
- Communicate w/foreign trademark attorneys & agents about registrations, officials' actions needing response, & trademark services
- Maintain files of new products & invention development
- Review patent filings w/engineers
- Draft licenses/agreements regarding proprietary information/technology

Litigation Matters: What Paralegals Do

- Draft complaint & bill of particulars
- Draft answer and/or other defensive pleadings
- Draft interrogatories, requests for admission, requests for production of documents, & requests for examination
- Review client files, & gather & organize factual data
- Conduct or supervise fact investigation
- Respond to interrogatories, requests for admission, & production of documents
- Review, index, gather, & summarize documents produced by opposing & third parties
- Examine premises, locations, & objects; take notes and/or photographs
- Draft discovery motions

Locate, interview, & obtain witness statements
Arrange for expert witnesses, interview, & prepare written reports
Work directly w/experts, consultants, & witnesses regarding case & prepare them for trial
Coordinate projects
Arrange for outside investigator
Obtain & examine public records
Prepare & serve subpoena duces tecum
Prepare summons & service of process
Draft deposition questions & prepare deposition outline
Review & assemble documents to be used in deposition
Prepare witnesses for deposition
Arrange for court reporter & determine need for computerized transcript
Attend depositions, take notes, & organize exhibits
Maintain personal injury plaintiff file including contact w/carrier, client, health care provider, & employer
Index & summarize depositions & exhibits
Follow up after depositions, & index deposition exhibits
Obtain, review & analyze medical records
Do medical research
Compile records of patent of product, history, & info regarding similar products
Conduct medical & technical literature searches, ie, analysis of mats & preparations of report synopsis
Attend, supervise, or monitor product, accident or vehicle inspection
Obtain, review, & organize damage info; calculate damages (medical costs, lost wages, property damages); prepare, maintain, & update damage summaries
Prepare settlement brochures in personal injury cases (Involves assembling info on the history of plaintiff, the nature & effect of injuries, defects of products in product liability cases, & damages)
Obtain factual info regarding products, companies, individuals from various government agencies, resource facilities, & so forth
Analyze & summarize factual info
Prepare medical notebooks
Prepare statistical & factual memoranda
Prepare market surveys & gather industry statistics
Draft affidavits
Arrange for extensions of time by telephone, letter, and/or motion
Draft demand letters, subpoenas, & commissions to take out-of-state depositions
Trace documents & other physical evidence
Develop info retrieval systems, including computerized systems
Supervise computerized or other system
Draft legal memoranda and/or briefs
Review briefs for accuracy of factual info
Check cites and/or Shepardize & proofread briefs
Coordinate arrangements w/local vendors regarding equipment, space, & supply requirements, & coordinate witnesses & experts, especially in out-of-town trials
Prepare, organize, & mark trial exhibits
Prepare exhibit list & monitor exchange of exhibits
Prepare trial notebooks & witness files
Draft list of documents & testimony to use in impeaching opposition witnesses
Draft pretrial statements & settlement conference memoranda
Obtain jury list & biographical info on jurors
Draft jury instruction & voir dire
Conduct teleconferences to schedule court appearances
Develop "dossiers" on adverse experts
Coordinate witness attendance at trial
Prepare charts, graphs, & demonstrative exhibits for use at trial

Attend trial, noting developments of case, reactions of jurors, witnesses, & opposing counsel during trial
Maintain list of exhibits as mentioned, offered, admitted, or objected to
Draft cost bill
Prepare settlement calculations
Prepare comparative analysis of terms for potential settlement agreements
Attend settlement conferences w/attorney & client
Draft settlement documents, including releases & dismissals
Draft notice of appeal
Prepare record on appeal
Organize appendix for appeal brief
Order hearing transcripts & prepare recap or outline of transcripts
Set up time for filings
Prepare releases, settlement documents, & entries of dismissal or satisfaction

What Litigation Assistants Do

Conduct initial interview w/client & obtain necessary background info
Correspond w/client about case status & preparation
Maintain litigation docket; read legal publications for setting & proceedings in the case
Review/summarize rules of procedure in court where action will be filed, & summarize info for attorney
Draft lien letter to opposing party or a response to lien letter
Arrange medical examinations for client or opposing parties

Probate and Estate Planning: What Paralegals Do

Assist attorney w/the initial client meeting
Prepare & maintain a calendar system
Notify heirs & devisees of probate proceedings
Publish notice to interested persons
Collect info and/or assets for preparation of inventory & tax returns
Accompany fiduciary & court representative to bank for removal of Will from safety deposit box
Evaluate assets (date of death & alternate valuation date)
Draft inventory
Review creditors' claims
Maintain financial records of estate
Prepare & file probate documents in administration of estate or to relieve estate from administration
Surrender insurance policies
File life insurance claims & other death benefit claims
Verify bank balances
Interpret Will provisions
Prepare preliminary tax & cash estimate
Obtain tax releases
Prepare income projection
Draft state inheritance tax & federal estate tax returns
Draft decedent's final federal & state individual income tax returns
Draft state & federal fiduciary income tax returns
Draft petitions & orders for partial distribution
Draft accountings
Help audit tax returns
Draft distribution schedule
Draft closing documents
Draft federal & state gift tax returns
Review documents & tax returns in connection w/an ancillary proceeding

Draft tax returns for non-probate estate
Collect data for estate planning
Draft wills & trusts
Draft court documents for conservatorship
Draft accountings for conservatorship
Draft federal & state tax returns for conservatorship
Draft court documents for guardianships
Make post-mortem planning calculations
Draft documents for sale of real & personal property
Maintain & update form files
Act as liaison w/probate referee & probate court
Arrange for real property appraisals
Analyze investments for estate planning
File Wills
Prepare Application for Letters & Refusal of Letters
Prepare other needed petitions EG app for widow's allowance, authority to erect grave marker, & so forth
Prepare claims, payment of claims, & receipts
Maintain estate bank accounts, investments, & change of address for dividends
Prepare settlements & obtain continuances as needed
Handle transfer of securities & receipts from distribution
Order certified copies of documents
Contact legal or auditing departments about settlements & other estate matters
Prepare final settlement & order for final distribution

Real Estate Matters: What Paralegals Do

Meet w/client to investigate facts
Draft subdivision, condominium, & timeshare registrations for in-state & out-of-state registrations
Draft registrations of recreational subdivisions for federal registrations
Organize recording procedures for large-scale recording & prepare draft of opinion letters
Perform financial calculations (amortization, net present value, discounting, APR)
Assist in real estate closing
Prepare quit claim deeds or other docs for transfer of ownership of property
Conduct a title search or order title search & updates
Prepare a preliminary abstract of title & opinion on the title
Negotiate title insurance coverage
Arrange for the purchase of title insurance
Assist client in obtaining mortgage financing
Review mortgage applications for clients that sell mortgages
Assist in recording mortgages
Assemble tax receipts
Adjust property taxes for closing
Record capital gains or loss on client's income tax return
Prepare appropriate capital gains tax affidavit
Draft Truth-in-Lending Disclosure Statements
Draft & review permits & easements
Draft, review, & plot legal descriptions
Draft grant, warranty, & other deeds
Draft deeds of trust & other loan documentation
Draft leases, assignments, extensions, & amendments
Draft contracts, assignments, & modifications
Redline changes in documents as each is revised
Draft & arrange for filing of UCC statements, amendments, extensions, & terminations

Prepare closing checklist for acquisition & loan transactions
Draft escrow instructions
Analyze & digest leases, assignments, extensions, amendments, & deeds
Review & determine validity of mineral claims through search & BLM records
Check & review zoning, Subdivision Map Act & comprehensive plan designations; obtain letters on designation as closing requirements
Review land surveys, parcel maps, & condominium plats
Draft closing statements & arrange closing date
Notify all parties involved of closing date
Order amortization table
Prepare equalization form
Arrange for discharge of mortgage
Obtain closing figures from bank & prorate all closing costs
Appear or assist attorney at closing
Notarize documents at closing
Follow up on post-closing items, including preparation of closing index & binder
Assist client in obtaining liability insurance (e.g., homeowners policy)
Coordinate office handling of insurance claims of client
Prorate real & personal property taxes
Draft contract
Coordinate w/other parties, revise contract, handle contract execution
Review contract for critical dates & monitor calendar for deadlines
Arrange foreclosure sales & prepare appropriate documentation
Prepare for bankruptcy depositions

Securities Law Matters: What Paralegals Do

Draft registration statement & prospectus
Organize filing the registration statement
Draft 1934 Act Reports
Draft questionnaire for officers, directors, & principal shareholders
Draft promissory notes
Draft underwriting agreements
Draft trust indentures
Draft bond purchase agreement
Draft Blue Sky Memoranda & Blue Sky Registration
Review status of Blue Sky application
Draft Legal Investment Survey
Notify State Securities Administrators of SEC effectiveness
Draft & file dealer and/or salesmen registration documents
Perfect securities dealer or issuer exemptions
Prepare memoranda on the availability of exemptions & requirements (if any) for registration
Draft & file docs for registering broker/dealers/salesmen w/NASD, SEC, & state securities commissions
Prepare NASDAQ & National Market System listing applications
Draft & file documents for renewing or withdrawing the registration of broker/dealers w/salesmen
Qualify dealer corporations where applicable
Draft Forms 3, 4, 8-K, 10-K, 10-Q
Draft Form D
Draft Form 144 & related documentation
Draft lease agreement, loan agreement, agreement of sale, facilities financing agreement ordinance/contracts
Draft letter of transmittal & other tender offer documents
Draft Indenture
Draft confidential offering memorandum

Draft security agreements including deeds, guaranties, mortgages
Review bond purchase agreement or underwriting agreement
Draft summaries of documents for use in preparing Preliminary Official Statement & Official Statement
Coordinate accuracy of the statements w/underwriter
Finalize basic documents & distribute for execution
Draft necessary resolutions authorizing the issuance of the Bonds
Send bond form to printer
Proof first galley of the bonds & check manufacturing schedule, coupon amounts, & CUSIP numbers
Check bonds at time of closing & read bond numbered 1 Draft closing papers for issuer including authorizing resolutions, authentication order to trustee, incumbency certificate, non- arbitrage certificates, & CUSIP numbers
Draft company authorizing resolutions & Officers' Certificates
Prepare tax election (if applicable) & arrange for appropriate filing
Draft recording certificate
Draft financing statements
Obtain certificates from state agencies re: good standing of company & certified corporate documents
Attend closing, checking all certificates & opinions, insurance policies, & legal descriptions
Compile the closing transcript, prepare index & organize closing binders
Draft regulation of public companies
Prepare drafts of proxy & proxy statements
Draft annual report to shareholder

The LawCost Management Group is a division of Abernethy & Richie Inc. LawCost Management has been serving the legal departments of major corporations for fifteen years, focusing on creative solutions that lower outside legal expenses while strengthening the lawyer-client relationship

Richard A Robbins is the President and Founder of LawCost Management His service as Vice President and General Counsel of Xerox Financial Services, Inc and as Vice President and Deputy General Counsel of The Continental Corporation brings an inside perspective and a wealth of information and experience to law cost management efforts Mr. Robbins is a graduate of The New York University Law School where he served on its Law Review

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