SPECIAL PULL-OUT SECTION



PRACTICE AREAS INCLUDE:

- Bankruptcy
- Civil Litigation/Torts
- Contracts
- Corporate/Commercial law
- Criminal (Federal)
- eDiscovery/eLitigation
- Estate Planning and Probate
- Family Law
- Product Liability/Personal Injury/Litigation

Making Your Way: A Modern Look at Paralegal Duties

Compiled by Adrienne D. Berry, ACP, et al.

When paralegals enter the workforce, they may not know what to expect. While some may feel ready to take on the world, most of them have no clue what the first day, week, or month will look like. Their job might assign them a mentor to help them navigate those first steps and show them the typical duties. However, in some workplaces, they may be left to figure it out as they go. When I was starting out, I always had a pen and paper to write down any kernels of knowledge that people shared. In addition, I was encouraged early on to join my local paralegal association and NALA so I could expand my knowledge and understanding. While I was grateful for the information, I also realized that I had to play a role in my own career advancement. I needed to show my attorneys that I understood the assignments, deadlines, and results they expected.

Typical Paralegal Duties, a 2008 article by Barbara Berry, CP, FRP, et al, has been the go-to reference guide for many in our profession over the years. I bet a lot of us still have it on hand as a resource. However, as the years have gone by, some of the typical duties within our profession have changed. Additional opportunities have emerged, such as technology, digital tools, and new practice areas. The paralegal profession continues to grow each year and shows no signs of slowing down.

Employment Growth: The US Census Bureau indicates that there are 376,276 paralegal and legal assistant jobs in the United States, and the number is expected to grow by 5% to 395,294 jobs by 2029, indicating steady demand.

Strong interpersonal skills are required in this profession. Your ability to initiate, collaborate, and develop plays an ongoing role in your typical paralegal duties. Schools can impart valuable knowledge that assists in your job, and mentors can provide training. You can also hone your work style through experience. Be sure to follow steps for success, such as taking notes, creating checklists, and referring to resources.

One tool that has served as a steady source of information in this ever-changing field is the Career Tree that the College of the Canyons created.[1] The tree shows how academics, experiences, professional skills, and passion serve as the roots for growth within the paralegal profession. It is a clear display of the various employment opportunities a paralegal can pursue throughout their professional journey. They are broken down into three levels. Level 1 is Entry-Level Careers, like litigation paralegals, case managers, and legal administrators. Level 2 is Technical Careers, such as eDiscovery specialists, compliance officers, and mediators. Level 3 is Professional Careers, including law clerks, paralegal instructors, and judicial assistants.

Paralegals pursuing entry-level jobs may have completed a paralegal program or internship that covers the typical duties they can expect. Those seeking technical jobs often have more experience, an associate's degree, or a certification that helps them qualify for expanded responsibilities. Finally, those striving for professional jobs likely have additional degrees, extensive experience, or specialized training to prepare them for advanced, complex responsibilities. Thank you to the many collaborators who provided helpful insights into several practice areas within the paralegal profession. Your input has been invaluable in pulling this article together.

This article discusses the following practice areas:

- Bankruptcy
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It also looks at two new categories within our profession: allied legal professionals, who are licensed to provide limited legal services in approved practice areas, and freelance paralegals, who contract with attorneys to perform specific duties.

BANKRUPTCY

Linda Paquette-Gordon, ACP

Bankruptcy cases are filed in the United States Bankruptcy Court and are presided over by an appointed federal judge. For an individual or entity (debtor) to commence a bankruptcy case, they must file certain documents. The petition is the initial document filed in all cases. It is the debtor's request for relief and provides the court and creditors with a summary of the debtor's estimated assets, debts, and creditors. The commencement of a bankruptcy case creates an estate that is comprised of all the debtor's assets at that point.

A bankruptcy proceeding is usually filed voluntarily by the debtor. However, under certain circumstances, creditors can file an involuntary petition to force the debtor into bankruptcy court. Soon after the case is filed, all creditors receive notice of the bankruptcy filing and that actions affecting the estate are stayed.

In filing a bankruptcy case, the debtor's goal is to receive a discharge from any further liability for his or her debts. The creditor's goal is to recover as much money or property as possible to satisfy its claims.

The Bankruptcy Code (Title 11, United States Code; the Code) is the controlling law for bankruptcy cases. The Federal Rules of Bankruptcy Procedure (the Rules) establish the procedures and deadlines for complying with the Code. The Rules also require official standardized forms (the Official Forms). The Code consists of nine chapters. The first three chapters (Chapters 1, 3, and 5) address definitions and administrative matters. The specific relief available to persons or entities is set forth in the remaining chapters:

- **Chapter 7** is for liquidating a debtor's non-exempt assets, with any proceeds being distributed to creditors.
- **Chapter 9** is for the reorganization of municipalities or political subdivisions.
- **Chapter 11** is for business and individual reorganization, where the debtor usually remains in control of their property and financial affairs (debtor in possession) and determines their own plan for payment of debts. The US Trustee may appoint a committee to represent all similarly situated creditors and provide additional oversight. Under certain circumstances, a trustee may be appointed.
- **Chapter 12** is for debt adjustment of family farmers or fishermen. It is like Chapter 11, but a standing trustee is appointed to monitor and participate in the case.

- **Chapter 13** is for individual debtors with regular income to repay creditors through a less complex plan than Chapter 11. A standing trustee is appointed to monitor and participate in the case, as well as collect and distribute plan payments.
- **Chapter 15** is for the administration of cross-border cases involving debtors, assets, and creditors in the United States and another country.

Bankruptcy cases generally proceed as follows:

- A bankruptcy case begins either voluntarily or involuntarily.
- All creditors receive notice of the bankruptcy filing, and all creditors' actions against the debtor are stayed.
- In Chapters 7, 12, and 13, a trustee or standing trustee is appointed.
- Schedules of Assets and Liabilities, together with a Statement of Financial Affairs, must be filed in all cases except Chapters 9 and 15. These official forms provide a complete picture of the debtor's financial condition, transactions, and operations as of the petition date.
- The creditors' meeting is held, during which the debtor explains their reasons and goals for filing, responding under oath to questions from creditors, the US Trustee, or any appointed trustee.
- In Chapter 7, the debtor turns over non-exempt assets and records to the trustee.
- Creditors may seek relief from the automatic stay to proceed with actions against the debtor.
- Creditors file proofs of claim asserting what they believe they are owed. Objections may be filed if the claim is disputed.
- Creditors may object to a debtor's entire discharge or to the discharge of a specific debt.
- In Chapters 11, 12, and 13, the debtor files a reorganization plan, proposing to pay creditors some or all of their claims.
- Creditors may object to a Chapter 11, 12, or 13 plan and vote on a plan in a Chapter 11 case.
- The court approves the debtor's reorganization plan if it meets the criteria under the Code for confirmation.
- The debtor, trustee, or standing trustee makes payments to creditors with allowed claims following liquidation or pursuant to a confirmed plan, if the bankruptcy estate has enough funds for distribution.
- The debtor may be discharged from further liability to the creditors.

Other activities in a bankruptcy case may include:

- Adversary proceedings, which are civil actions within the bankruptcy case that a debtor, trustee, creditor, or others may file. An adversary proceeding is governed by the Rules, begins with the filing of a complaint, and proceeds like other federal litigation.
- Contested matters, which are actual disputes in a bankruptcy case that are not classified as adversary proceedings and are also governed by the Rules. Filing a motion that is opposed may automatically commence a contested matter, with the most common being a motion for relief from the automatic stay.
- An adverse order or judgment in an adversary proceeding or contested matter may be appealed to a higher federal court.

Bankruptcy cases are fast-paced and deadline-intensive, with frequent court appearances, especially in Chapter 11 cases. Paralegals are valuable in managing bankruptcy cases. Most assist with preparing, filing, and servicing pleadings; maintaining calendars; interacting with clients to gather and organize information and documents; and preparing for hearings and trials.

CIVIL LITIGATION/TORTS

Juanita Serrano, ACP, Jennifer Salisbury, CP, and Debby Sawyer, ACP

Paralegals beginning to work in civil litigation can benefit from understanding the civil rules of procedure and applicable local rules at the state and federal levels, along with how to navigate local court dockets, e-filing portals, and judges' procedures. Civil litigation encompasses various practice areas, including family law, commercial litigation, personal injury, and malpractice. Therefore, paralegals entering these fields should research rules of procedure and statutes relevant to the area of law in which they are working. Civil litigation often requires paying close attention to deadlines, so organizational skills and systems for tracking important dates and managing workflow are essential. Proficiency with systems such as email, task reminders, and calendaring supports efficient workload management. Additionally, knowing how to use AI ethically and effectively is an important competency. Paralegals must be flexible with shifting priorities and urgent tasks.

Tort law is a foundational area of civil law that every entry-level paralegal should understand. It deals with wrongful acts—intentional, negligent, or based on strict liability—that cause harm to individuals or property. Key concepts include negligence, where a party fails to exercise reasonable care, and intentional torts like assault or defamation, which involve deliberate actions. Paralegals play a vital role in tort cases by gathering evidence, drafting legal documents, and managing case files. Understanding the elements of liability—duty, breach, causation, and damages—is essential for supporting attorneys and ensuring clients receive fair compensation.

A paralegal's role in the discovery portion of a litigated matter is also critical. Discovery in litigation is the pre-trial process where parties exchange information and evidence to prepare their cases and understand the facts, while complying with procedural rules governing document production, interrogatories, requests for admission, and depositions, including applicable timelines and objection procedures. Beyond mechanical compliance, effective discovery management demands strong critical thinking skills

to analyze incoming documents and testimony for relevance, privilege issues, and evidentiary significance. Paralegals must develop the ability to synthesize information from multiple sources, recognizing patterns across seemingly unrelated documents that either strengthen the client's position or reveal weaknesses in the case theory. This analytical capacity enables paralegals to flag key evidence for attorney review, identify gaps in the factual record that require additional discovery requests, and recognize when the existing evidence sufficiently supports or undermines critical elements of claims or defenses.

CONTRACTS

Jeanie Johnson, ACP

Paralegals who review contracts should understand what their firms'/clients'/companies' expectations are regarding those contracts.

New paralegals who are handling contract review should be familiar with the following:

1. THE BASICS OF CONTRACT LAW

- Elements of a valid contract
- Types of contracts
- Common terms used in a contract

2. THEIR ROLE

- Support their attorney by spotting issues, summarizing terms, and ensuring consistency with their company's expectations.
- Be prepared to draft a checklist or flag any provisions that may be problematic.
- Speak with their attorney about interpretation or negotiation points.

3. KEY PROVISIONS

- **Parties:** Are names, entities, and roles correct? Ensure the type of company (corporation, LLC, LP, etc.) is accurate and in good standing with the state's Secretary of State.
- **Term & Termination:** How long does the contract last, and how can it be ended?
- **Payment Terms:** Amounts, deadlines, interest/late fees, invoicing procedures. Is the invoice to be paid 30 days from the date of the invoice OR 30 days from the receipt of the invoice?
- **Confidentiality/Non-disclosure:** Who is bound, for how long, and what is excluded?
- **Indemnification:** Who takes responsibility if something goes wrong? Is the indemnity mutual or unilateral?
- **Limitation of Liability:** Are damages capped? Is it a specific amount (i.e., the amount of fees paid for the service)? Are certain liabilities excluded (i.e., negligence)?
- **Dispute Resolution:** Are you going to court if something goes sideways? Is there an arbitration clause? Do you have to mediate first? Are the jurisdiction, venue, and governing law acceptable?
- **Non-compete/Non-solicitation:** What is the scope, geography, and duration?
- **Representations & Warranties:** Are the promises each party is making acceptable?
- **Signatures & Execution:** Do the people signing have the authority to sign (i.e., officers of the company)? Is everything properly dated?

4. PRACTICAL CONCERNS

- Are there defined terms in the document? Are they capitalized?
- Are the referenced attachments or exhibits included?
- Calendar important dates and deadlines.
- Make sure the formatting is correct (i.e., page numbers, paragraph numbering, headings, and cross references).
- Look for missing items (i.e., no termination clause, spelling of party names, and inconsistent payment terms).

5. USEFUL SKILLS

- Ensure there are no blanks in the document.
- If possible, use a contract management system to track the contracts.
- Be able to summarize the key provisions of the contract.
- Be aware that you may have to research some laws.
- Keep a provisions cheat sheet.
- Develop a contract review checklist.

A paralegal's contract review job is to ensure accuracy, consistency, and completeness while leaving the negotiations to the attorneys.

CORPORATE/COMMERCIAL LAW

Jeanne Elliott, ACP

Incorporation and Formation of Entity (corporations, limited liability companies, and limited partnerships)

- Check availability and reserve the entity name.
- Perform due diligence, including Uniform Commercial Code (UCC) searches and good standing certifications.
- Draft entity formation documents.
- Effect the legal formation of the entity, including filing organizational documents, recording or publishing them, and taking other actions required by law.
- Draft organizational documents, including:

- Articles of incorporation, fictitious name registration, qualifications
- License applications
- Bylaws
- Subscription agreements
- Investment letters
- Stock certificates and related documents
- Banking resolutions
- Meeting notices

- Conduct Electronic Data Gathering, Analysis, and Retrieval (EDGAR) research.
- Conduct Blue Sky Research (state securities laws).
- Draft and effect filing of various federal and state forms, including:
  - SEC filings
  - Subchapter S elections and consents
  - Applications for conducting business under state and federal law, including employer ID number, workers' compensation, unemployment insurance, employer withholding tax registration, state and local sales tax licenses, and business-specific licenses.
- Order minute book, stock book, and seal.
- Monitor and report changes in filing, reporting, and franchise tax laws or regulations.
- Prepare transactional closing binders.

ONGOING CORPORATE DOCUMENTATION AND RECORDS

- Draft various agreements, including:
  - Employment agreements
  - Shareholders' agreements
  - Stock option plans
  - Option agreements
  - Non-competition/solicitation agreements
  - Profit sharing and pension plans
  - Employee benefit plans
  - Health and accident plans
- Draft and effect filing of amendments to articles of incorporation.
- Prepare and file annual reports.
- Draft special minutes for corporate activities.
- Track shareholders and percentage of stock holding.
- Maintain tickler system for regular and annual meetings.
- Draft documents for board meetings, including notices, proxies, affidavits of mailing, agendas, resolutions, ballots, oaths, minutes, and written consents.
- Serve as assistant secretary to the board of directors and committees, including attending, recording, and maintaining minutes of all board meetings and certain committee meetings.
- Manage and coordinate registration for annual and special meetings, including serving as registrar, managing voting and director elections, and assisting the credentials committee.
- Coordinate with all departments to monitor and effect compliance with all federal, state, and local requirements for the corporation and its subsidiaries in operative states.
- Draft financial documents for the purpose of securing loans, including notes, mortgages, deeds of trust, and financing statements.
- Prepare stock powers, state and federal gift tax returns, and stock transfers.
- Perform legal research.
- Draft and review contracts, regulatory filings, policies, and other employment and corporate documents.
- Assist with web posting of documents to ensure SEC compliance.
- Support corporate records retention and maintenance, including monitoring and ensuring compliance with electronic discovery obligations.
- Maintain an accurate database of all pending and/or threatened litigation, including a summary of status and applicable insurance coverage.
- Draft annual audit letter based on the database.
- Process all complaints served on the company and its various joint ventures and subsidiaries through the risk management department for distribution to insurance carriers. Ensure that answers are served in a timely manner.
- Support outside counsel in the establishment of other entities, intellectual property matters, litigation, and discovery matters (including scheduling depositions of corporate personnel).
- Coordinate and monitor compliance with records retention requirements for litigation holds.
- Maintain accurate corporate secretary database for the company and all related joint ventures, LLCs, and subsidiaries, including their respective organizational documents, registered agents, governing bodies, ownership, and other pertinent data.
- Draft and assemble all documents necessary for the collection of delinquent accounts.

MERGERS AND ACQUISITIONS

- Prepare drafts of merger or purchase agreements.
- Conduct due diligence.
- Prepare closing checklists and memoranda.
- Obtain consents for assignments, releases, and other appropriate documents.
- Prepare closing documents.
- Prepare and file financing statements, UCC agreements or amendments, and related documents.
- Manage assembly and execution of documents at closing.
- Prepare closing files and bound volumes.

DISSOLUTIONS

- Draft and file statement of intent to dissolve, articles of dissolution, or other required state forms to effect dissolution.
- Draft documents related to the distribution of corporate assets.
- Monitor compliance with escheat laws.

ADDITIONAL DUTIES

- Research and develop technology and office automation within the legal department or corporate environment.
- Maintain law library.

CORPORATE AND EMPLOYMENT AREAS OF EXPERTISE

- Manage MSHA and/or OSHA compliance for various industries.
- Oversee import and export compliance.
- Manage the process of hiring, firing, investigations, state and federal employment laws, ADA, and FMLA.
  - Example: Coordinate/conduct investigations of charges alleging discrimination and/or sexual harassment and draft responsive documents.
- Complete or manage the workers' compensation claims process and follow up.
- Assist with or lead EEOC claim filing or responses.
- Manage legal or office staff.
- Provide or oversee employment, HR, legal, and compliance training.
- Hire legal staff of all levels.
- Manage and help provide a legal and compliant corporate hiring process.
- Outsource legal work as needed to qualified professionals.

CRIMINAL (FEDERAL)

Adrienne Berry, ACP

Performs Legal Research

- Performs legal research, utilizing available research tools, and provides complete and accurate information in a timely manner with some supervision.

Demonstrates Legal Writing Skills

- Provides complete, accurate, and relevant backgrounds and histories of cited cases for use in writing legal documents when requested by attorneys.
- Summarizes and presents facts in usable formats, such as memoranda, charts, and tables.
- Composes legal documents of a substantive nature, addressing all issues in a timely, well-organized, and procedurally correct manner.

Assists Attorneys with Grand Juries, Discovery, and Trials

- Participates in witness interviews.
- Organizes and identifies exhibits and lists, including labeling exhibits (manual/electronic).
- Organizes/prepares trial notebooks.
- Attends any pretrial hearings.
- Drafts any trial pleadings as assigned by the attorney(s).
- Generates trial/hearing subpoenas.
- Develops/reviews trial checklist cheat sheet.

Collaboration

- Consistently promotes a positive work culture by communicating effectively in a diplomatic, professional, courteous, cooperative, and timely manner with office personnel, courts, the client's agency, supervisors, and the administrative division.
- Readily assists other office personnel with addressing issues or deadlines as they arise, and helps others with assignments to facilitate efficient completion.

Effective Use of Time and Resources

- Utilizes methods that promote the best use of time and materials.
- Sets realistic goals for completion of projects and finishes tasks accurately, efficiently, and in a timely manner in accordance with deadlines.

eDISCOVERY/eLITIGATION

Adrienne Berry, ACP

eLitigation is an integrated approach to litigation that encompasses employee skills, training, and associated best practices, as well as the technology-based tools necessary to handle the identification, collection, processing, review, analysis, and presentation of evidence. One must have a working understanding of the Electronic Discovery Reference Model (EDRM), which includes some of the tasks shown below, as part of the daily duties of handling case materials and evidence.

Working with eDiscovery, some of the core responsibilities may include:

- "Coordinate and execute all phases of the Electronic Discovery Reference Model (EDRM).
- Identify, preserve, and collect digital evidence from servers, cloud storage, email, and mobile devices.
- Process and cull data for relevance, privilege, and duplication.
- Load, index, and maintain data within review platforms (e.g., Relativity, Nuix, Logikcull).

- Support legal teams during document review and production.
- Ensure chain-of-custody documentation and defensibility of collected data.
- Apply search terms, filters, and deduplication techniques to reduce review volume.
- Stay current on data privacy laws, compliance standards, and court requirements.
- Coordinate with third-party vendors for forensic imaging and large-scale processing.
- Document procedures and prepare reports for attorneys or regulators."[2]

Goals of eLitigation:

1. Building stronger cases
2. Defensibility
3. Efficient use of resources and manpower
4. Using a standard process across all divisions that is reliable and consistent

Working in eLitigation, paralegals must stay current on the trends and changing technology to perform their daily tasks. As technical trends are evolving and taking on new forms, paralegals must maintain and develop their technical skills.

eLitigation is a subset of litigation that can include tasks similar to those in civil and criminal litigation. The difference is that the electronic component does not usually require handling physical case materials. The duties of a paralegal in this practice area may be similar to those when a case is set for trial. Paralegals assist attorneys with exhibit preparation, witness interviews, trial preparation, and trial support.

Paralegals in this arena need a strong working knowledge of technology and how it is used in eDiscovery and eLitigation. As artificial intelligence rapidly changes the legal landscape, paralegals must stay current with evolving software, terminology, and technical skills needed to research, use, and understand technologies used to receive, organize, review, and produce discovery and case materials.

ESTATE PLANNING AND PROBATE

Lori Young

For an entry-level paralegal beginning in estate planning and probate law, it is essential to understand the key estate planning documents. These include wills, living trusts, powers of attorney, and health-care related directives such as living wills or health-care proxies. It is also crucial to comprehend key distinctions, like revocable versus irrevocable trusts, and the role of pour-over wills. Awareness of federal estate and gift tax implications, such as IRS Forms 706 and 709, is equally important. On the probate side, entry-level paralegals must know how to prepare and file petitions, provide required notices, compile inventories and appraisals, and follow state statutes, local court rules, and timelines. Estate planning and probate often involve sensitive family matters, so clear communication, solid organizational skills, and an empathetic approach will help an entry-level paralegal build trust and keep cases on track.

FAMILY LAW

Jennifer Salisbury, CP

Working as a paralegal in family law means entering one of the most emotionally charged and personally significant areas of legal practice. Unlike corporate or commercial law, family law addresses life-altering events, including divorce, child custody disputes, adoption, domestic violence, and property division. As a paralegal in this field, one will quickly discover that the role extends beyond legal research and document preparation. Paralegals become a crucial support system for their attorneys and for clients navigating some of the most difficult periods of their lives.

Daily responsibilities center heavily on client interaction and document management. Family law generates extensive paperwork, and paralegals are responsible for drafting petitions for divorce, custody agreements, parenting plans, financial affidavits, and settlement proposals. They gather detailed information about clients' finances, including income statements, tax returns, bank records, and property valuations. Accuracy is paramount because these documents form the foundation of legal proceedings and directly impact clients' financial futures and parental rights.

The financial aspects of family law cases require meticulous attention. Paralegals help clients complete detailed financial disclosures, track child support and alimony calculations, and work with forensic accountants or appraisers when complex assets are involved. Understanding basic financial concepts, from reading tax returns to evaluating retirement accounts, is essential.

Client communication consumes a significant portion of time. Family law clients often experience high anxiety and emotional distress, leading to frequent phone calls and emails. Paralegals must develop patience and empathy while maintaining professional boundaries. Responsibilities include explaining legal procedures, updating clients on case progress, scheduling meetings and court appearances, and sometimes serving as a calming voice when clients feel overwhelmed. This emotional labor is real and can be draining, but it is also where paralegals make the most meaningful difference.

Court preparation and attendance are routine. Paralegals organize exhibits, prepare trial binders, coordinate witness schedules, and ensure all filings meet strict deadlines. Many family law paralegals attend hearings and trials alongside their attorneys, taking notes and managing documents in the courtroom. Paralegals should become familiar with local court rules,

which vary significantly by jurisdiction, and learn the preferences of different judges.

Child custody matters present unique challenges and rewards. Paralegals help gather evidence of parenting fitness, coordinate with social workers and child psychologists, and draft parenting plans that address everything from holiday schedules to decision-making authority. These cases require sensitivity because children's well-being is at stake, and paralegals witness firsthand how legal decisions shape young lives.

The emotional toll of family law work is something all new paralegals should anticipate. They will hear difficult stories involving abuse, addiction, infidelity, and financial devastation. Developing healthy boundaries and self-care practices is not optional but necessary for longevity in this field. Many paralegals find support through peer networks or professional organizations that understand the unique stresses of family law practice.

Ultimately, family law paralegal work suits those who can balance compassion with professionalism, who thrive in fast-paced environments, and who find purpose in helping people during vulnerable times. It is demanding, sometimes heartbreaking, but also remarkably meaningful work in which paralegals' contributions genuinely affect people's lives.

PRODUCT LIABILITY/PERSONAL INJURY/LITIGATION

Laura Reaves, ACP

COMMENCEMENT OF ACTION

- Participate in the initial client interview.
  - Explain your role as a paralegal and that you will be the main contact throughout the case.
  - Develop a relationship with the client in order to make them comfortable.
  - Get the client's story about the accident. Gather any relevant photographs and documents.
  - Get medical authorizations signed. If there is a decedent, get a next-of-kin affidavit, as that is often required to prove a relationship before ordering any medical records.
  - Work with the attorney on getting a fee contract signed.
  - Get a list of any medications the injured person was on and any medical problems they were experiencing prior to the accident.
  - If the accident involved a product, take possession of it and preserve it immediately. If it is not readily available, find it and either take possession of it or preserve it. Get any photographs the client has of the product before the accident.
  - Get any paperwork from the client that relates to the product, such as owner's manuals, receipts, bills of sale, and maintenance records.
  - Get photographs of the client's injuries.
  - Get several good photographs of the client before the injuries occurred.
  - Talk to the client about social media and how they will be under scrutiny from that point on. Urge the client to make all accounts private and minimize use. Make sure the client does not delete anything on social media.
  - Gather any social media posts, emails, text messages, or other communications the client has relating to the accident or injuries.
  - Take possession of the client's cell phone and/or any electronic device that may have been in use near the time and location of the accident (i.e., GPS devices, dashcams, smart watches).
  - Get the client to pull an itemized cell phone bill for the date of the accident and preserve that.
  - Create a chain of custody for any piece of evidence in the case.
  - Find out if the client has filed for bankruptcy in the past five years. If so, get the case number and court and check the status. If not, make sure the client knows to inform the attorney if they intend to file for bankruptcy, as this might impact the case.
  - Gather any insurance information that may provide coverage for the accident (i.e., health, home, life, vehicle).
  - Talk with the client and gather any info on who the correct heirs at law will be.
  - Find out the client's sources of income (i.e., wages, disability, SSI, alimony).
  - If you anticipate a loss of wages or earning capacity claim, get the client's resume or job history with as much information as possible. Have the client gather tax returns for at least five years prior to the accident.
- Conduct a fact investigation and analysis.
  - This may include in-depth inspections of a product and require contacting expert consultants about downloading black box data, dashcam footage, or similar information.
  - Visit homes or businesses near the accident to inquire about surveillance footage. Talk to potential witnesses and get statements on what they saw and heard.
  - Gather any law enforcement investigative files (bodycam footage, dashcam footage, photographs, reports, statements).
  - Find out if any traffic cameras may have recorded the accident.
  - Gather any fire department or EMS files relating to the accident.
  - Do online research to find news articles and any videos relating to the accident.
  - Send preservation letters to any third party who may hold relevant evidence. This could include an opposing party's phone or social media posts.

- Obtain any 911 records relating to the accident. Listen to calls for additional evidence.
- Interview any law enforcement, EMS, or fire personnel who were at the scene.
- Gather any medical records and billing related to the accident. If the client is continually being treated, you need to continually update your records. Start chronologies early so that you have a good timeline of where they were treated, for what, and how much each visit cost. Compare this to claims listings from insurance companies.
- Identify any doctors in the medical records who will be good testifying witnesses on damages.
- Put any company that provides insurance to your client on notice that a claim has been or will be filed. You need to know early what the subrogation rules are in your state and what subrogation any insurance company is claiming.
- Obtain the death certificate, if applicable.
- Obtain autopsy records, if applicable.
- Obtain coroner's records, if applicable.
- If this was a workplace accident, obtain any investigative materials from OSHA.
- If this was an aviation accident, obtain any investigative materials from NTSB.
- Conduct online research relating to any potential defects in the product. Check forums and websites such as NHTSA and CPSC.
- Pull Secretary of State information on any potential parties so that you know where to serve. This also helps with jurisdiction.

- Perform a conflict check on all parties within your firm.
- Draft a complaint, answer, and/or any necessary pleadings throughout the pendency of litigation.
- Communicate and monitor your client's adherence to litigation hold requirements for relevant records throughout the case.
- Research any rules that may apply to your case (local court rules, judge's rules, standing order rules, rules of procedure).
- Calendar all deadlines and set reminders ahead of time.

DISCOVERY

- Participate in formulating a discovery plan with attorneys. Make sure you know the theories of the case, as this will help in formulating discovery requests.
- Draft discovery requests, such as requests for production, interrogatories, requests for copies, and requests for admissions.
- Prepare and document any nonparty discovery requests, such as subpoenas, FOIA requests, and open records requests.
- Create indexes of discovery production as parties submit it. Document the date it was produced, Bates numbers, and what request it responds to. Compare what was produced to what was requested.
- Prepare motions to compel on any outstanding discovery.
- Conduct legal research relating to pleading and motion preparation.
- Depositions:
  - Identify witnesses to depose and coordinate the logistics.
  - Prepare witness files (documents, summaries, questions).
  - Prepare the client for deposition.
  - Determine ahead of time if any concessions are required, such as transportation issues, handicap accessibility, and dietary restrictions.
  - Attend depositions and take notes on testimony.
  - Prepare deposition summaries from the transcripts.
  - Assist in editing video depositions.
  - Keep up with errata sheets and when they are due. Ensure all witnesses are in compliance.
- Screen responsive and privileged documents and make any necessary redactions.
- Prepare privilege logs.
- Locate expert witnesses and make recommendations. At your attorney's instruction, contact the experts and provide documents for them to review. Keep a log of what you send them and when. Make sure they are aware of all case deadlines.
- Schedule surveillance and analyze it if necessary.

SETTLEMENT AND RELATED MATTERS

- Draft demand letters, if applicable.
- Draft status letters to the client.
- Draft tolling agreements.
- Prepare mediation presentations.
- Know what subrogation or lien interest you have in the case.

PRETRIAL PREPARATION

- Draft the pretrial order.
- Prepare trial notebooks of witness data, deposition summaries, exhibit lists, witness lists, trial motions, legal authority, and any other documents you may need.
- Organize and prepare exhibits. Communicate with the court on how many copies are needed and what format the judge prefers.
- Prepare demonstration exhibits.
- Arrange for projectors, screens, and other visual aids.
- Review the courthouse rules on bringing in large exhibits and/or electronic devices. You may be required to file a motion.
- Build a rapport with the court staff and find out how to bring in large exhibits and when you can access the courtrooms, along with other inquiries. Determine ahead of time if you can rent breakout rooms during the pendency of the trial.

- Handle all trial travel logistics for your trial team and witnesses.
- Prepare deposition designations.
- Draft witness outlines and questions.
- Draft jury instructions.
- Prepare verdict forms.
- Edit and prepare videotaped depositions to match deposition designations.
- Prepare visual aids or coordinate with professionals to prepare demonstrative and/or visual aids.
- Obtain jury venire and conduct background research on potential jurors.
- Ask the court if any juror questionnaires will be used and whether you can access them.
- Talk with the court reporter ahead of time if your attorneys will require daily copies of transcripts.

TRIAL

- Prepare trial subpoenas.
- Coordinate the scheduling of witnesses.
- Assist in the preparation of witnesses.
- Assist in jury selection and draft *voir dire* questions.
- Attend trial:
  - Take notes.
  - You are the gatekeeper for all exhibits entered. Keep a list and coordinate with the court reporter each day to compare lists.
- Coordinate witness arrival at trial.
- Manage deposition transcripts for use at trial.

POSTTRIAL AND APPELLATE WORK

- Obtain and summarize trial testimony.
- Draft a bill of costs.
- Draft a motion for a new trial.
- Draft a notice of appeal.
- Assist with designation of record.
- Obtain appeal bonds.
- Draft portions of briefs, including statements of fact, case tables, and appendices.
- Review legal authority cited by the adverse party.
- Attend oral arguments and assist the attorney with any exhibits.

POSTTRIAL COLLECTION WORK

- Search for assets:
  - Department of Motor Vehicles
  - Ownership and encumbrances
  - Title searches
  - UCC lien searches
  - Internet public record searches
- Prepare posttrial discovery.
- Prepare Rule 69 motions, orders, and citations.
- Prepare garnishment, levy, and attachment papers.
- Coordinate execution discovery, orders, and judgments with the client, debtor, and sheriff.
- Negotiate and finalize any subrogation or liens.

SETTLEMENTS

- Draft settlement agreements.
- Draft releases.
- Draft motions and stipulations for dismissal.

The paralegal profession has evolved over the years. Allied legal professionals and freelance paralegals have emerged as distinct career paths where paralegals are finding success.

ALLIED LEGAL PROFESSIONALS

Alicia Mitchell-Mercer, ACP

In recent years, several states have established a new category of licensed legal service providers, often called allied legal professionals. These non-attorney professionals undergo state-approved education, testing, and practical training, which enable them to offer limited legal services directly to the public in specific areas like family law, housing, consumer debt, and some administrative matters.[3]

While Washington's Limited License Legal Technician Program is the most well-known early example, other states have established similar roles under different titles, such as legal paraprofessional, licensed legal paraprofessional, or licensed paralegal. As of this printing, programs for allied legal professionals are currently active in Arizona, Colorado, Minnesota, New Hampshire, Oregon, Utah, and Washington, each with its own name and scope of practice. Since the names and specifics vary across jurisdictions, the Institute for the Advancement of the American Legal System (IAALS) refers to them collectively as allied legal professionals, offering a clear way to describe this group.[4]

FOR MORE INFORMATION, SCAN THE QR CODE

HOW ALLIED LEGAL PROFESSIONALS DIFFER FROM TRADITIONAL PARALEGALS

While allied legal professionals often build on paralegal experience, their role is distinct:

- **Client Relationship:** Traditional paralegals work under the supervision of an attorney and do not establish the equivalent of an attorney-client relationship. Allied legal professionals are licensed to work directly with members of the public within the boundaries of their authorized practice areas.[5]
- **Legal Advice:** Paralegals cannot provide legal advice. Allied legal professionals may give limited legal advice, prepare and sign certain pleadings, and sometimes even appear in court on specified matters, all as defined by state rules.[6]
- **Licensure and Regulation:** Paralegals are not licensed as legal practitioners. Allied legal professionals must meet state-set eligibility, education, training, and examination requirements. They are individually licensed and regulated, similarly to attorneys, but with a narrower scope.

HOW ALLIED LEGAL PROFESSIONALS DIFFER FROM FREELANCE PARALEGALS

Freelance or contract paralegals operate as independent business owners offering paralegal services to attorneys and law firms on a contractual basis. They adhere to the traditional paralegal role by supporting attorneys, working under their supervision, and refraining from giving legal advice or directly representing clients.

In contrast, allied legal professionals are licensed to provide direct services to clients within specific subject matter and procedural boundaries. Their authority derives from court or regulatory rules rather than from an individual attorney's delegation. While freelance paralegals broaden the ways paralegal support is offered to attorneys, allied legal professionals increase the range of individuals who can deliver certain legal services directly to the public.

"Freelance paralegals, sometimes called contract paralegals, are independent business owners who provide paralegal services to attorneys on a contractual basis. Instead of working directly for law firms or legal departments as salaried employees, freelance paralegals operate as independent contractors who serve multiple attorney clients. As a contract paralegal, you become your own boss. The attorneys you serve become your clients."[7]

FREELANCE PARALEGALS

Kristin Kadaj, ACP

Freelance paralegals work as independent contractors providing legal support services to attorneys and law firms on an as-needed basis. Freelancing offers flexibility for attorneys and paralegals. A freelance paralegal is not required to be in an office or at a computer during certain hours of the day. Additionally, they can assist with specific projects or handle a case from start to finish without an attorney or firm needing to take on the expense of a full-time paralegal. Freelance paralegals often specialize in a certain area of law, such as family law, civil litigation, or probate, allowing them to bring expertise to each assignment. A freelancer's work may include drafting pleadings and motions, managing discovery, organizing case files, preparing trial exhibits, and conducting legal research. Like traditional paralegals, freelancers must work under the supervision of a licensed attorney in the state where the attorney is providing services, and they cannot provide legal advice or represent a client directly.

Unlike paralegals employed full-time, freelance paralegals are not part of a permanent staff. They do not receive a set salary or benefits such as paid time off or a retirement account. Instead, freelancers are engaged to provide coverage when workloads spike or specialized support when a firm needs assistance in a niche area. Because freelancers tend to serve more than one attorney simultaneously, they must be competent at juggling deadlines, tailoring work to different attorney preferences, and maintaining strong organizational skills.

In addition to their legal duties, freelance paralegals also manage their own business. They are responsible for marketing their services, negotiating contracts with clients, setting billing rates, maintaining relationships, and ensuring compliance with ethical and professional standards. Because a freelancer's success often depends on referrals and repeat clients, strong communication skills, reliability, and a reputation for accuracy and efficiency are essential.

PROFESSIONAL AND ETHICAL RESPONSIBILITY

Nancy Jordahl, ACP

Professional and ethical responsibility applies to all paralegals in all aspects of their work. Paralegals should be familiar with the following information.

The current ABA definition of a paralegal is "A person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental

agency or other entity and who performs specifically delegated substantive legal work."[8]

There are several sources of ethics rules for paralegals, including the NALA Code of Ethics and Professional Responsibility, the ABA *Model Rules of Professional Conduct*, state bar rules of professional conduct, state bar ethics opinions, other paralegal associations' standards, and paralegal schools.

When performing services for an attorney, a paralegal needs to ensure:

- All legal judgment or advice comes from the attorney.
- The attorney is responsible for the client, maintains a direct relationship with the client, and maintains control of all client matters.
- The attorney supervises the paralegal.
- All services performed are on behalf of the attorney.

There are differences between ethics, professionalism, and civility. Ethics are the moral principles that govern how you act. Professionalism is competent and skillful behavior. Civility is courteous conduct.

NALA CANONS

Canon 1 – A paralegal must not: (a) engage in, encourage, or contribute to any act which could constitute the unauthorized practice of law; (b) establish attorney-client relationships, set fees, give legal opinions or advice, or represent a client before a court or agency unless so authorized by that court or agency; and (c) engage in conduct or take any action which would assist or involve the attorney in a violation of professional ethics or give the appearance of professional impropriety.

Canon 2 – A paralegal must not perform any of the duties that attorneys only may perform or take any actions that attorneys may not take.

Canon 3 – A paralegal may perform any task which is properly delegated and supervised by an attorney, as long as the attorney is ultimately responsible to the client, maintains a direct relationship with the client, and assumes professional responsibility for the work product.

Canon 4 – A paralegal must use discretion and professional judgment commensurate with knowledge and experience but must not render independent legal judgment in place of an attorney. The services of an attorney are essential in the public interest whenever such legal judgment is required.

Canon 5 – A paralegal must disclose his or her status as a paralegal at the outset of any professional relationship with a client, attorney, a court or administrative agency or personnel thereof, or a member of the general public. A paralegal must act prudently in determining the extent to which a client may be assisted without the presence of an attorney.

Canon 6 – A paralegal must strive to maintain integrity and a high degree of competency through education and training with respect to professional responsibility, local rules and practice, and through continuing education in substantive areas of law to better assist the legal profession in fulfilling its duty to provide legal service.

Canon 7 – A paralegal must protect the confidences of a client and must not violate any rule or statute now in effect or hereafter enacted controlling the doctrine of privileged communications between a client and an attorney.

Canon 8 – A paralegal must disclose to their employer or prospective employer any pre-existing client or personal relationship that may conflict with the interests of the employer or prospective employer and/or their clients.

Canon 9 – A paralegal must do all other things incidental, necessary, or expedient for the attainment of the ethics and responsibilities as defined by statute or rule of court.

Canon 10 – A paralegal's conduct is guided by bar associations' codes of professional responsibility and rules of professional conduct.[9]

CONCLUSION

The legal profession continues to evolve as more concepts are introduced. The traditional paralegal role has grown and adjusted along with society. Conventional learning has been enhanced with technical advances, results-driven policies, and artificial intelligence. Paralegals can cross-train to develop skills in other areas of the profession. There are a variety of paralegal roles, from in-house, corporate, and regulatory to hybrid/remote, limited-licensed, and freelance. New paralegals bring new perspectives into the field. Opportunities are abundant and keep expanding. While paralegals receive classroom training and education, they should also possess technical proficiency and durable skills. Making your way in the profession will be instrumental in developing and continuing your paralegal career. No matter where you are on your journey, you will always have more opportunities to expand your knowledge.

RESOURCES

[1] https://www.canyons.edu/academics/paralegal/careertree/

[2] https://www.4cornerresources.com/job-descriptions/e-discovery-professional/

[3] https://iaals.du.edu/sites/default/files/documents/publications/alp_national_framework.pdf

[4] https://iaals.du.edu/projects/allied-legal-professionals

[5] https://iaals.du.edu/sites/default/files/documents/publications/alp_national_framework.pdf

[6] *Id.*

[7] https://www.paralegaledu.org/freelance-paralegal/

[8] https://www.americanbar.org/topics/paralegal/

[9] https://nala.org/certification/certification_old/nala-code-ethics-and-professional-responsibility/



Adrienne D. Berry, ACP, is a paralegal with over 25 years of experience. She earned a BA in English from the University of Alabama, a paralegal certificate from the University of Alabama at Birmingham, and an MBA from Colorado Technical University. She has ACPs in Criminal Litigation and eDiscovery. She is the E-Litigation Support Coordinator for the US Attorney's Office – Northern District of Alabama, where she has worked since 2007. Adrienne chairs NALA's Professional Development Committee, having previously served as Ethics Chair and a member of NALA's DEI Committee. She is a member and former president of the Alabama Association of Paralegals, Inc. (AAPi).
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NALA THE PARALEGAL ASSOCIATION