



Cincinnati Paralegal Association

Guide to Paralegals in Greater Cincinnati

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WHAT IS A PARALEGAL?

The Cincinnati Paralegal Association (CPA) has adopted a formal definition for the term "paralegal", as follows:

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.

HOW, WHEN AND WHY DID THE PROFESSION DEVELOP?

The paralegal profession began its rapid growth in the late 1960's when lawyers realized that the utilization of paralegal services could increase efficiency and productivity in the law office, thereby helping to reduce legal fees. Although a paralegal may not give legal advice, he or she may perform many of the tasks that traditionally have been performed by lawyers.

WHAT ARE THE ECONOMICS OF EMPLOYING PARALEGALS?

The use of paralegals can produce greater margins of profit for the employer, through increased legal services. The economic advantages of employing paralegals cannot and should not be ignored.

A simple example illustrates the economic advantage of employing paralegals. Assume the total annual cost, including salary, benefits, secretarial support, and office equipment of employing a paralegal is \$60,000. If the paralegal's time is billed at \$80/hour and he or she works 1,200 hours during the first year of employment, the total income for those billable hours would be \$96,000. By subtracting the total cost of employing the paralegal (\$60,000), the result is a profit of \$36,000 for the law firm. Remember, after the first year of employment, the paralegal becomes more proficient and specialized in a given area. The employment of a paralegal allows the lawyer more time to direct his/her efforts towards additional clients and complex legal matters. The end results can mean more billable hours and thus greater margins of profit.

Studies and surveys overwhelmingly support the theory that law offices, which employ paralegals, are more efficient and profitable than those which do not take advantage of the services that paralegals can provide.

WHAT ARE THE EDUCATIONAL REQUIREMENTS FOR PARALEGALS?

Employer requirements vary widely as to the "ideal" educational background for a paralegal. However, current trends indicate that a paralegal should have either: (1) an Associate's Degree or a Bachelor's Degree in paralegal studies, or (2) a four-year Degree from a college or university in any discipline plus a certificate or extended study in paralegal courses. Keep in mind that there can be exceptions to the above criteria.

Many paralegal educational programs have received approval from the American Bar Association ("ABA") because their curricula have met specified ABA Guidelines. Seeking ABA approval is voluntary on the part of the paralegal institution; therefore, non-approval does not necessarily mean that a program is not of good quality.

University degrees are definite assets for paralegals. A paralegal's proficiency may be enhanced through formal education, thus increasing his/her ability to follow instructions, understand basic legal principles, write and communicate clearly and concisely, attend to detail, and exercise maturity in judgment.

The CPA published a brochure giving information on what a student should look for when registering in any paralegal program. To receive a copy, please call (513) 244-1266, or visit www.cincinnati-paralegals.org.

WHAT ABOUT REGULATION OF PARALEGALS?

The forms of regulation of paralegals generally include registration, certification, licensure and limited licensure.

The CPA set forth its position on the issue of regulation by adopting a formal resolution on May 13, 1992. That resolution supports any regulatory scheme which does not limit or decrease the duties paralegals currently perform, and further reiterates the need to expand the duties for paralegals in the delivery of legal services. Most importantly, the resolution establishes the following educational criteria for the profession:

- (1) Bachelor Degree in Paralegal Studies; or
- (2) Bachelor Degree in another discipline plus a Paralegal Certificate; or
- (3) Bachelor Degree in any discipline plus an internship consisting of a minimum of 150 hours of substantive legal work; or
- (4) Associate Degree in Paralegal Studies plus an internship consisting of a minimum of 225 hours of substantive legal work; or
- (5) Associate Degree in another discipline plus a Paralegal Certificate plus an internship consisting of a minimum of 225 hours of substantive legal work.

PARALEGAL EXAMS/CERTIFICATIONS

Currently there are two national exams that can be taken: the Paralegal Advanced Competency Exam (PACE) and the Certified Legal Assistant (CLA) exam. Upon passing PACE, a paralegal may use the designation "PACE Registered Paralegal" and the credential "RP." For more information visit NFPA at www.paralegals.org. Paralegals who successfully pass the CLA exam may use the credential "CLA" or "CP." For more information visit NALA at www.nala.org.

The American Alliance of Paralegals Inc., (AAPI) offers paralegal certification based on education and experience. Those paralegals who make application to AAPI and meet specific requirements may use the designation "AACP." For further information visit www.aapipara.org.

WHAT IS THE SALARY RANGE FOR PARALEGALS EMPLOYED IN THE GREATER CINCINNATI AREA?

Like any other profession, paralegal salaries are dependent upon the employer and the paralegal's education and experience.

A 2004 salary survey of the CPA indicates that paralegals who have a formal education in paralegal studies from a college or university can expect a starting annual salary from \$26,000 to \$38,000, and experienced paralegals in specialized areas often command a salary of \$60,000 or more.

WHAT ARE THE DUTIES, FUNCTIONS, AND ETHICAL CONSIDERATIONS THAT IMPACT PARALEGALS?

Paralegals are employed by law firms, corporations, and local, state and federal governmental agencies or entities. There are paralegals who work independently, pursuant to administrative, statutory or court authority.

In performing the many tasks paralegals may be assigned by a lawyer, or when working independently of a lawyer, paralegals may not engage in the unauthorized practice of law, i.e. they cannot give legal advice, accept or decline cases, set fees or represent clients before courts or administrative bodies unless specifically authorized by a court, statute, administrative rule or regulation.

In May 10, 1995, the CPA adopted its Code of Ethics and Professional Responsibility by which its members are guided.

The following pages set forth the many legal disciplines in which paralegals are employed and delineates a representative sample of the duties and responsibilities paralegals assume in the delivery of legal services. You will quickly realize how extensively the profession has developed, how diverse it has become, and how significantly the role of the paralegal has changed since the 1960's.

BANKRUPTCY

- Formulate strategies to initiate legal actions and negotiate settlements among debtors, creditors and/or trustees
- Draft adversary complaints and all accompanying pleadings
- Investigate values of personal and real properties listed on debtor's petitions
- Draft motions to sell properties; motions to compromise
- Draft applications to employ various professionals and applications for compensation of same
- Draft subpoenas and assist in the examination of the debtors and documents produced
- Review proofs of claim and draft objections to same
- Draft petitions and other related pleadings and documents
- Interview clients to determine assets and liabilities and secure information necessary to draft schedules
- Confirm amounts owed to creditors and verify dates incurred
- Identify secured and unsecured claims of creditors
- Check UCC filings
- Check real property records and delinquent taxes

- Identify exempt property
- Maintain contact with client/debtor and verify compliance with "Instructions to Debtors" notice
- Answer inquiries of creditors on status of the case
- Communicate with bankruptcy trustee and comply with requests
- Set up timetable for filings and hearing dates and attend hearings with lawyer
- Determine if alternatives are available to client
- Draft schedules and file the petition and schedules with the court
- Draft applications and orders relating to enforcement of stay, restraining sales, reinstatement of utility service, venue, avoiding liens, approving reaffirmation or redemption, abandonment, attorneys' fees, etc.
- Draft pre-filing letters to creditors
- Draft objections when Motion to Allow Claims is filed
- Notify employer of payroll deduction
- Appearance at Section 341 hearing
- Draft additional application regarding fees, creditors, conversion, dismissal, etc.

See also Civil Litigation for other duties.

CIVIL LITIGATION

- Maintain office docket for cases keeping date deadlines (e.g., appeal time, statute of limitations) and a general calendar for times and dates of court appearances, depositions, etc.
- Conduct legal research
- Interview and retain expert witnesses
- Draft questions for depositions
- Schedule, review and write summaries of depositions; schedule court reporter
- Draft interrogatories, answers to interrogatories, document requests
- Maintain library of forms and research (court forms, sample pleadings)
- Maintain binders of court rules
- Research facts as to witnesses, police reports, etc.
- Correspond with doctors, insurance companies, opposing counsel, etc.
- Inform client as to status of case
- Check courthouse filings and public records
- Interview clients and witnesses
- Maintain tickler system for pleadings, appeals etc.
- Draft pleadings and motions
- Obtain proof of damages; calculate damages
- Draft and index exhibits
- Ensure that all exhibits are properly entered
- Subpoena witnesses and serve subpoenas
- Assist at trial
- Aid in jury selection
- Take notes as to the contents of the record
- Draft releases, settlement documents, entries of dismissal or satisfaction
- Assist with preparation of post-trial briefs and motions
- Design, monitor and maintain databases
- Generate database reports for discovery purposes

See also Medical Malpractice, Personal Injury, Products Liability, and other applicable sections.

COLLECTIONS

- Draft pleadings and monitor cases
- Verify entry of judgment in court
- Certify judgment to county court where debtor owns property
- Investigate public records of assets, including real estate records and prior judgments, utilizing the internet and public record databases
- Verify employment
- Draft and file garnishments, executions, judgment debtor examinations, mechanic's liens, etc.
- Maintain tickler system for sending garnishment notices, re-filing of certificate of judgment, etc.
- Keep record of court costs and amounts collected

CORPORATE

- Check availability and reserve corporate name with appropriate Secretaries of State
- Draft pre-incorporation and closed corporation agreements
- Draft and record Articles of Incorporation or Organization and other documents for profit and non-profit corporations, limited liability companies, family limited partnerships, and other business organizations
- Draft Bylaws/Code of Regulations and Operating Agreements
- Draft minutes of incorporator's meetings, resolutions and consents to action of shareholders and board of directors
- Maintain corporate seal, minute book and stock certificate book
- Draft stock certificates and share subscriptions
- Draft certificates of authority for foreign corporation
- Obtain certificates of good standing and continued existence
- Draft registration statements/reports of sale of equity securities
- Draft and send waivers and notice of meetings
- Draft IRS Form 2533 Election by a Small Business Corporation
- Draft employment contracts, shareholder agreements, confidentiality/non-compete agreements, leases, stock option plans, closing plans, letters of intent, acquisitions, medical reimbursement plans, profit sharing and pension plans
- Maintain tickler system for annual filings
- Obtain state and federal employer identification numbers
- Secure licenses and permits for corporations, e.g., liquor, health department and building permits
- Assist in research of Blue Sky requirements
- Prepare for closing as to mergers and acquisitions
- Prepare for closing as to sale of securities
- Apply for state and federal service marks and trademark applications
- Review SEC record, UCC lien, due diligence and title searches
- Draft/file insider-trading reports with the SEC
- Perform research and review legislative reporting
- Process international filings

CRIMINAL LITIGATION

- Investigate facts relating to prosecution or defense
- Draft for preliminary hearing or grand jury presentation

- Draft charges or plea for arraignment
- Gather information for plea bargaining
- Check courthouse records
- Draft and answer interrogatories
- Interview witnesses for trial
- Schedule and digest depositions
- Prepare exhibits
- Assist at trial
- Draft sentencing information and work with probation officers
- Work with Parole Board
- Assist with preparation of post-trial briefs and motions
- Maintain tickler system for pleadings, appeals, etc.

DOMESTIC RELATIONS

- Conduct initial interview with client to identify non-legal problems that could be referred to other agencies
- Collect background information on client, including marriage certificates, source of support, residence, assets, liabilities, number of children, etc.
- Determine if grounds for divorce or dissolution exist
- Participate in discussions of other remedies, including counseling, separation, reconciliation, etc.
- Draft petition, affidavits, separation agreements, decree, and other filings if a dissolution is being filed
- Draft complaint for divorce, affidavits and other filings, if a complaint is being filed
- Determine support needs and draft motions
- File pleadings with the court and set hearings
- Complete court questionnaire
- Arrange for service of defendants
- Maintain contact with the client at all times and handle calls from client when legal advice is not needed

Refer to Civil Litigation for other duties.

EMPLOYEE BENEFITS

- Draft profit-sharing money-purchase and other benefit plans
- Draft corporate action adopting plans
- Consult with business managers and actuaries to determine contribution and benefit formulas
- Draft schedules showing maximized employer contributions
- Draft summary plan descriptions
- Summarize plan provisions and operation of plan for corporate officers
- Submit descriptive documents to Department of Labor
- Qualify plans with IRS
- Draft IRS forms and statements
- Contact reviewing agents
- Maintain records of plans currently under review
- Update minute book upon receipt of determination letters
- Maintain system of form files for pattern plans and common amendments
- Amend plans as instructed by lawyer in charge or pursuant to discussions with employers and business managers
- Qualify amendments with IRS and give appropriate notice to Department of Labor
- Advise business managers and employers concerning proper application of plan provisions

- Terminate plans and qualify terminations with IRS and Pension Benefit Guaranty Corporation
- Draft notices to employees regarding significant changes in plans
- Draft summary of amendments required by new legislation and assemble list of plans requiring such amendments
- Review non-standard plans and recommend revisions

ENVIRONMENTAL LAW

- Review state and federal compliance regulations
- Review client's procedures to confirm compliance with legislation
- Collect background information on companies
- Investigate real estate tracts
- Investigate various industries and their products
- Gather records from governmental agencies including OEPA, USEPA, OSHA
- Retain and work with expert witnesses
- Review environmental case law; conduct legal research
- Review trade journals, technical magazines and books for industries similar to clients'
- Draft and file permits to operate (PTO) and supporting documents
- Review analytical data

ESTATE PLANNING

- Interview clients and obtain information for evaluation of estate plan
- Review client's existing documents, and any trusts created by others for benefit of client or family members
- Review and summarize existing insurance policies
- Following consultation and direction from attorney, draft wills, codicils, trust agreements and amendments thereto
- Monitor gifts to irrevocable trusts and draft Crummey letters and waivers to beneficiaries
- Draft health care directives
- Draft documents and assist with effectuating transfer of assets into trusts
- Draft and record powers of attorney, deeds, memoranda of trust and other recordable instruments
- Review state and federal tax law

IMMIGRATION

- Draft non-immigrant visa petitions and supporting documentation
- Draft immigration waivers and other forms of relief
- Draft support letters and affidavits; petition forms
- Assist with preparation of labor certification petitions
- Assist with preparation of permanent residency petitions
- Organize and finalize petitions
- File documents with Citizenship & Immigration Services
- Obtain passports and visas for international travel
- Draft documentation for asylum or refugee claims
- Processing consular requirements

INTELLECTUAL PROPERTY

- Search trademark registrations in the U.S. Patent and Trademark Office and various state agencies to determine if the name is available for adoption and use
- Draft, file and monitor trademark applications
- Draft responses to Office Actions
- Review *Official Gazette* for publication of applications and/or conflicting trademarks
- Draft oppositions to conflicting trademarks
- Docket dates for Affidavits of Use (after 5 years of registration) and renewals (after 10 years of registration)
- Draft Affidavits of Use and file with the U.S. Patent and Trademark office
- Draft renewal applications (after 10 years of registration)
- Search patent registrations in the U.S. Patent and Trademark Office
- Assist in drafting of patent applications, drawings, blueprints, etc.
- Docket dates for maintenance of patents (methods, design, plant)
- Draft license agreements for trademarks, patents, copyrights
- Draft and file copyright applications in Copyright Office (compilations, collections, derivative works)
- Assist auditors in evaluation of company's intellectual property
- Draft exhibits listing intellectual property for due diligence examinations
- Develop and implement policies for protection of trade secrets
- Assist client's technology group to research domain name conflicts

LABOR AND LABOR RELATIONS

- Conduct employment law research including case law
- Obtain governmental records under the Freedom of Information Act
- Assist in trial and arbitration preparation
- Digest and summarize depositions
- Draft pleadings and motions
- Draft affidavits
- Research proposed arbitrators
- Maintain document control
- Interview clients and witnesses
- Conduct statistical analysis
- Draft affirmative action plans
- Draft employee handbook and plant rules
- Assist at union elections
- Research labor unions
- Draft exhibits
- Draft and answer interrogatories
- Retain and work with expert witnesses
- Draft and serve subpoenas
- Participate in fact finding proceedings

LANDLORD/TENANT

- Interview client and record pertinent information
- Identify and refer non-legal problems to proper agencies and contact agencies on behalf of clients
- Maintain calendar for deadlines and court filings
- Visit residence to verify and document problems
- Investigate city/county records to determine owner and past violations/complaints
- Review lease, rent receipts and eviction notices
- Draft Notice to Leave the Premises, Complaint, Requests for Service and Praecipe for Writ of Restitution
- Draft and file pleadings with court
- Notify client of hearing date
- Obtain service on defendant
- Maintain contact with client as to status of proceedings
- File for judgment and assist with collection

MEDICAL MALPRACTICE

- Contact lawyers, hospitals and doctors to obtain medical records
- Review medical records for potential areas of liability
- Conduct medical research
- Interview doctors, nurses, and hospital personnel
- Obtain and consult with expert physicians
- Draft a fact memorandum which summarizes and evaluates investigation
- Attend medical arbitration hearings with lawyer

See also Civil Litigation.

MUNICIPAL LAW

- Formulate, compose, edit and analyze legislation, related legal documents and materials including ordinances, resolutions, contracts, deeds, easements, notes, mortgages, and bond and note issues
- Draft and review pleadings, briefs and memoranda for trial and appellate courts, administrative boards, agency and commission proceedings
- Research, identify and incorporate applicable Charter, local, state and federal laws and regulations, together with state and federal constitutional mandates into legislative process, legal proceedings and other legal and administrative processes
- Act as liaison with governmental departments and division supervisory personnel to initiate, inform and verify specific criteria and standards required for legislative process and legal proceedings
- Process and research claims, citizen inquiries and inter-departmental matters through written and oral communications
- Monitor changes in statutory and case law relating to, or impacting upon, municipalities and governmental operations

PERSONAL INJURY

- Aid in investigation of accident, including photographs of accident site; obtaining copies of police reports and information on witnesses
- Obtain medical records from medical providers
- Summarize medical records and draft chronology of treatment
- Conduct medical research
- Contact client regularly for treatment status updates
- Inform insurance adjusters of status of client treatment and amount of special damages
- Arrange for independent medical examination
- Obtain and consult with experts

See also Civil Litigation.

PROBATE

- Interview clients to obtain information to administer estate
- Assist in identifying and locating next of kin and will beneficiaries
- Assist in collection and valuation of estate assets
- Accompany fiduciary and estate representative (if necessary) to bank for removal of will from safety deposit box and inventory contents
- Draft and file probate documents in the administration of the estate or to relieve the estate from administration
- File death benefit claims
- Obtain tax releases, as necessary
- Notify beneficiaries and next-of-kin regarding the admission of the will and probate hearings
- Administer estate accounts and assist with investment
- Transfer and/or liquidate estate assets and assist with transfer of non-probate assets
- Draft and file decedent's final income tax return
- Draft and file state and federal estate tax returns
- Draft and file state and federal fiduciary income tax returns
- Draft documents and assist in land sale proceedings
- Draft documents to approve distribution of wrongful death settlements
- Assist in ancillary administrations
- Participate in administration of guardianships and trusts, including preparation and filing of inventories and accountings
- Assist with name changes and adoption proceedings

PRODUCTS LIABILITY

- Research and compile records on products, trademarks, patents and copyrights
- Compile records from federal and state agencies regarding regulations, industry standards, etc.
- Obtain information and samples of similar products and competitors' products for comparison
- Set up displays, exhibits, charts, models, diagrams and visual aids; assist video experts
- Search and gather information about products appearing in magazines, articles, books, reports, studies, product advertisements

See also Civil Litigation.

PROSECUTORIAL/GRAND JURY PROCEEDINGS

- Investigate facts and law to identify appropriate charges to draft criminal cases for Grand Jury presentation
- Conduct background checks through RCIC/NCIC (Regional/National Crime Information Centers)
- Research, compile, and verify public records and other documents
- Interview police officers and/or civilian witnesses
- Research, compile and analyze legal sources and notify chief prosecuting attorneys and local Clerk of Courts of changes in statutory laws
- Draft and file necessary pleadings and other court documents
- Draft and review reports relevant to Grand Jury process and coordinate Grand Jury proceedings
- Establish and maintain liaison with police departments and other governmental agencies
- Represent office on task forces and system wide committees
- Act as a source of procedural guidance for prosecuting attorneys, support staff and other agencies

REAL ESTATE - RESIDENTIAL & COMMERCIAL

- Interview client and obtain basic information
- Conduct title search of county records
- Draft abstract of title and opinion
- Arrange for purchase of title insurance
- Assist client in obtaining mortgage financing or refinancing
- Review mortgage applications
- Record mortgages, releases, and other documents with county offices: Recorder, Clerk of Court, Auditor, Secure Transactions Division and Probate Court
- Organize tax receipts and calculate property taxes for closing
- Draft and file complaint regarding real estate taxation with auditor
- Draft and file real property taxation exemption forms
- Draft property tax returns
- Draft purchase and sale agreements, assignments, and addendums thereto
- Draft deeds, promissory notes, mortgages, releases, escrow agreements, occupancy agreements, affidavits, partnership certificate and agreements
- Draft and review lease agreements, amendments, etc.
- Arrange for closing date and notify all parties concerned
- Assist at closing
- Draft and organize closing books and documents
- Draft complaint, answer and subsequent pleadings for foreclosure proceedings
- File foreclosure documents with Clerk of Courts

TAX

- Maintain records and draft tax returns for: corporate income, franchise, individual income, partnership income, estate, estate income, gift, etc.
- Draft supporting documents for tax returns
- Assist in gathering information for audits and reviews

WORKERS COMPENSATION

- Draft and file applications, appeals, bills, letters, affidavits and motions with Bureau of Workers' Compensation
- Monitor and manage files through all claim stages
- Maintain a tickler system
- Work with client/employer's actuaries in exercising cost control measures
- Conduct interviews and conferences with clients
- Review BWC files and maintain contact with BWC
- Correspond with clients, physicians and employers
- Research claim options
- Keep abreast of changes in procedures and regulations
- Assist lawyer at BWC hearings

In addition to the foregoing, paralegals are employed in other legal specialties: administrative law, adoption, antitrust, civil rights, construction law, juvenile delinquency, marine admiralty, paternity, public and private securities, social security, unemployment compensation and welfare benefits.

Depending upon the employer and the working environment, paralegals may also be required to perform some of the following office management/administrative tasks:

- Maintain office tickler system and individual lawyer's calendar
- Maintain office bookkeeping/accounting records (e.g. client billings, staff time sheets, tax returns, budget analysis, payroll)
- Monitor the law library; update loose-leaf services and keep lawyer informed of legal publications
- Oversee use, maintenance and purchase of office equipment
- Assist in design and implementation of office procedures
- Train staff regarding office procedures
- Supervise personnel
- Draft office reports
- Assist with office management
- Interview prospective employees

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