

PART I	DEPARTMENT OF PERSONNEL SERVICES	2.141
	STATE OF HAWAII	2.142
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Class Specifications
for the

LEGAL ASSISTANT SERIES

Series Definition:

This series includes classes of positions that perform paralegal work which require substantial judgment and discretion in the application of knowledge of legal procedures and practices and laws and rules related to State programs. As delegated by attorneys, Legal Assistants perform substantive legal work which attorneys would otherwise perform, except that Legal Assistants may not give independent legal advice, appear in court, or perform other duties that may constitute the unauthorized practice of law.

Positions in the State which are allocable to this series perform paralegal services such as (a) providing preliminary legal consultation services which involves providing legal information, answering questions which are covered by attorneys' previous interpretations or decisions or referring those not so covered and otherwise serving as a conduit between attorneys and clients; (b) performing legal research and preparing summaries of specific decisions, laws, statutes and legal subjects; (c) preparing cases for court hearings including the collection, analysis and evaluation of evidence for use by attorneys in court; and (d) writing drafts or outlines of briefs, memos, legal opinions, stipulations, orders and other legal documents for review, approval and use by attorneys.

To perform these activities, Legal Assistants require knowledge of interviewing techniques, rules of evidence, the legal system and procedures, legal research methods and sources of legal information and ability to understand and explain legal processes and procedures, evaluate and analyze facts and legal issues, prepare legal reports, documents and correspondence and communicate effectively with witnesses, expert personnel, program personnel, attorneys and court staff.

Much of the work performed by Legal Assistants is similar to that performed by Law Clerks. However, Law Clerk positions are filled more or less on a temporary basis by Law School graduates who must pass the Bar Examination before assuming the full range of responsibilities of attorneys; whereas Legal Assistants are

found in program areas which require continuity in paralegal services and are generally filled by personnel with practical legal training at the community college level or through work experience in a law office.

This is the first class specification for the new LEGAL ASSISTANT SERIES.

DATE APPROVED: April 15, 1983 /s/ James H. Takushi
JAMES H. TAKUSHI
Director of Personnel Services

<u>LEGAL ASSISTANT II AND III</u>	2.141
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Duties Summary:

Performs paralegal work in support of attorneys; provides preliminary legal consultation services to line departmental personnel; establishes evidence and develops cases; performs legal research; prepares drafts, outlines or summaries of legal subjects, laws, statutes, briefs and other legal documents; and performs other related duties as assigned.

Distinguishing Characteristics:

Positions in these classes conduct legal research, gather facts and evidence, develop cases, prepare drafts of legal documents and correspondence, and perform other paralegal work to assist lawyers in providing legal services. Work includes the provision of preliminary legal consultation services to State line departmental personnel as a representative of an attorney. In such cases, advice to line departmental personnel is given on the basis of precedents and instructions from an attorney. Legal matters of interpretation are always referred to an attorney for clarification and decision.

The two levels in this series are differentiated as follows:

Legal Assistant II: This is the entry level Legal Assistant and reflects workers who are fully competent in basic paralegal functions, procedures, techniques and skills, but must receive on-the-job orientation in State paralegal work and develop working relationships with court personnel, State line departmental personnel, attorneys, legal clerical staff and others who are contacted in the course of the work.

Initially, an attorney or a higher level Legal Assistant trains and provides immediate supervision to Legal Assistants in this class and closely reviews their work for adequacy. As competence is demonstrated, supervisory control is relaxed with regard to the performance of familiar work assignments.

Legal Assistant III: Under the general supervision of an attorney, positions at this level provide the full range of paralegal services required in an assigned program area. Positions independently provide preliminary legal consultation services to line departmental personnel; establish evidence and develop cases; perform legal research; prepare drafts, outlines or summaries of legal subjects, laws, statutes, briefs and other legal documents and related duties. Work at this level may also include training new legal assistant employees.

Examples of Duties:

Provides preliminary legal consultation to employees of the State line departmental area serviced; explains legal procedures, requirements and interpretations based on precedents and discussions with attorneys; assures proper evidencing in support of the State's position; interviews witnesses and appropriate personnel to verify evidence, obtains written statements when possible, and gets cooperation for judicial proceedings; drafts legal correspondence; performs legal research and prepares summaries of specific decisions, laws, statutes, legal subjects, etc.; verifies and updates cited case laws, statutes and other legal authorities; writes first drafts and/or outlines of briefs, memos, legal opinions, stipulations, orders and other legal documents; indexes and organizes depositions and other trial material; may prepare drafts of new or amendatory legislation and rules; assists attorneys at court by coordinating the presentation of exhibits and witnesses and by preparing witnesses for testimony; monitors compliance to decisions, stipulations and orders; and reviews legal decisions, opinions, rulings and other

legal material to keep abreast of developments in program areas served.

Knowledge and Abilities Required:

Knowledge of: Interviewing techniques; rules of evidence; legal system and procedures; legal research methods and sources of legal information.

Ability to: Understand and explain legal processes and procedures; recognize and avoid potential problems in the unauthorized practice of law; read and understand laws, statutes, rules and legal documents; evaluate and analyze facts and legal issues; prepare legal reports, documents and correspondence; speak clearly; follow oral and written instructions; and deal tactfully and effectively with others.