

# CHECKLIST FOR LAWYERS WORKING AS INDEPENDENT CONTRACTORS

Discussing the following issues with the contracting firm:

1. Will you be working as an independent contractor or an employee of the firm? It is essential to discuss your status with the firm as it will affect the firm’s various liabilities. See [Independent Contractors or Employees](#). Use the chart below to help you differentiate between these two statuses:

You are more likely an employee if you:	You are more likely an independent contractor if you:
<ul style="list-style-type: none"> <li>• Work in the firm’s office;</li> <li>• Use the firm’s support staff, their online research platform, their equipment and supplies;</li> <li>• Are supervised by a firm lawyer (required if you have no PLF malpractice insurance);</li> <li>• Bill on an hourly basis using the firm’s time sheets and protocols;</li> <li>• Come in during the firm’s regular hours;</li> <li>• Perform work that is similar to the work being performed by lawyers or paralegals in the firm.</li> </ul>	<ul style="list-style-type: none"> <li>• Work from your own office;</li> <li>• Use your own support staff, research tools, equipment and supplies;</li> <li>• Bill on a project basis;</li> <li>• Set your own rates;</li> <li>• Invoice the project at the completion of your work;</li> <li>• Do the work during your own time outside of the firm’s regular office hours;</li> <li>• Perform the work independently and without being supervised or managed between the time you agree to do the project and the date it is completed.</li> </ul>

2. Your PLF status. Discuss whether you should purchase your own PLF coverage before taking the assignment. If you do not purchase PLF coverage, you must work within [PLF exemption guidelines](#). As an exempt contract attorney, your work **must** be reviewed and supervised by the law firm, and you are prohibited from:

- Making strategy or case decisions
- Signing pleadings or briefs
- Attending depositions or making court appearances as attorney of record
- Holding yourself out to any client as an attorney
- Using the title “attorney,” “attorney at law” or “lawyer” on any correspondence or documents

Understand that the supervision requirements under the PLF exemption guidelines may conflict with the classification criteria for an independent contractor. If you wish to work as a contract lawyer without PLF coverage, make sure you discuss with the contracting firm how supervision will impact your classification as an independent contractor. The contracting firm should obtain legal employment advice on this issue.

3. Potential conflicts of interest and how conflicts will be screened by you on matters assigned by the firm.
4. The nature of the project, how long the assignment will take, any applicable deadlines, whether the project has a short turnaround, budget limitation, etc.
5. Your fee, including any premium rates that may apply for short turnaround times or purchasing PLF coverage.

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6. Payment terms, discounts for early payment, and clarification that your payment is not dependent upon the client paying the hiring attorney.
7. The form and manner in which your work product will be delivered.
8. What to do if the project's time requirements and scope exceed the original terms. (Seek clarification on how the assignment would be restructured or revalued.)
9. Will you sign any documents with your own name or prepare all documents for the law firm to sign?
10. Decisions regarding the following issues may affect your status as an independent contractor v. employee as noted in the chart above, and you should speak with an employment lawyer for further advice:
  - a. Will you work onsite and use the firm's equipment or office staff?
  - b. Will you use your own legal research service provider or have a guest account with the law firm's provider? If you will use your own subscription, will you be charging separately for legal research time? What about researching topics or documents outside your subscription?
  - c. How closely supervised will you be?

### IMPORTANT NOTICES

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