

[Date]

[Client Name]

[Client Address]

[City, State, Zip Code]

RE: Legal Opinion Regarding Independent Contractor Classification of Process Servers

Dear [Client Name],

You have requested a legal opinion regarding the classification of Process Servers engaged by [Company Name] (the "Company") as independent contractors rather than employees under applicable federal and state labor laws.

I. Factual Background

It is our understanding that the Process Servers operate under the following conditions: They use their own vehicles and equipment; they set their own schedules and routes; they are paid on a per-service or "piece-rate" basis; they are free to perform services for other agencies or clients; and the Company does not provide direct supervision over the physical performance of the service of process.

II. Legal Analysis

Our analysis is based on the "Economic Realities Test" and the "Right to Control Test."

- **Control:** The Process Servers retain the right to control the manner and means by which the documents are served, provided they comply with statutory requirements.
- **Investment:** The Process Servers bear their own expenses, including fuel, insurance, and vehicle maintenance.
- **Opportunity for Profit or Loss:** Their earnings depend on their efficiency and the volume of jobs they choose to accept.
- **Permanence:** The relationship is typically sporadic or project-based rather than a continuous, exclusive employment relationship.

III. Conclusion

Based on the facts provided, it is our professional opinion that the Process Servers are properly classified as independent contractors. They operate as distinct business entities and the Company lacks the requisite "control" over their daily activities to establish an employer-employee relationship.

This opinion is limited to the facts presented and the laws currently in effect as of the date of this letter.

Sincerely,

[Signature]

[Attorney Name]
[Law Firm Name]