

DATE: [Insert Date]

TO: [Client Name/Company Name]

ATTN: [Insert Name/Title]

RE: Legal Opinion on Worker Classification for Remote Legal Assistant

I. INTRODUCTION

You have requested a legal opinion regarding the proper classification of [Worker Name] (the "Worker") who provides remote legal assistant services to [Company Name] (the "Company"). This letter analyzes whether the Worker should be classified as an independent contractor or an employee under applicable federal and state laws.

II. FACTUAL BACKGROUND

Based on our review, the working relationship is defined by the following facts:

- The Worker performs tasks such as [List tasks, e.g., drafting, research, filing].
- The Worker utilizes their own equipment, including computer and software.
- The Worker sets their own hours, provided deadlines are met.
- The Worker is paid on a [Fixed fee / Hourly] basis without benefits.
- The Company [Does / Does Not] exercise direct supervision over the methods of work.

III. LEGAL ANALYSIS

To determine classification, we applied the "Economic Realities Test" (FLSA) and the "Right to Control Test" (IRS). Key factors include:

1. **Degree of Control:** [Analysis of who controls the 'how' and 'when' of the work].
2. **Opportunity for Profit or Loss:** [Analysis of worker's financial risk].
3. **Investment in Equipment:** [Analysis of who provides the tools].
4. **Permanence of Relationship:** [Analysis of project-based vs. indefinite hiring].
5. **Integration:** [Whether the service is a critical core function of the business].

IV. OPINION

Based on the facts provided, it is our professional opinion that the Worker is currently correctly classified as an **[Independent Contractor / Employee]**. Specifically, the high degree of [Autonomy / Control] supports this classification.

V. RECOMMENDATIONS

To maintain this classification and mitigate risk of reclassification by the DOL or IRS, we recommend:

- Ensuring a signed Independent Contractor Agreement is on file.

- Avoiding the provision of company-wide benefits to the Worker.
- Refraining from requiring the Worker to work specific "9-to-5" office hours.

VI. DISCLAIMER

This opinion is based on current laws and the facts as presented. Changes in the nature of the working relationship or changes in legislation may alter this conclusion.

Sincerely,

[Your Name/Firm Name]

[Title]