## Legal Branch Substantive Areas (Code Sets)

Substantive Areas represent the second highest organizational level within the ALA UPBMS Codes and are designed to be easily and independently identifiable.

Each Substantive Area represents a single code set that contains a logical grouping of Processes. Below is a description of each Substantive Area followed by a summary of the Processes each contains.

## Litigation (LT) Classification

**LT10 Case Assessment, Development and Administration**

Understanding the facts of matter, developing strategy, working with experts or consultants, organizing file materials, managing budgets, and participating in settlement activities.

Processes within this Substantive Area:

LT10.10 Fact Investigation/Development

LT10.15 Property and Exemplars

LT10.20 Analysis/Strategy

LT10.25 Experts/Consultants

LT10.30 Document/File Management

LT10.35 Budgeting

LT10.40 Settlement/Non-Binding ADR

**LT15 Pre-Trial Pleadings and Motions**

All pleadings and pretrial motions and procedures other than discovery.

Processes within this Substantive Area:

LT15.10 Pleadings

LT15.15 Preliminary Injunctions/Provisional Remedies

LT15.20 Court Mandated Conferences

LT15.25 Dispositive Motions

LT15.30 Other Written Motions/Submissions

LT15.35 Class Action Certification and Notice

**LT20 Discovery**

A category of procedural devices employed by a party to a civil or criminal action, prior to trial, to require the adverse party to disclose information that is essential for the preparation of the requesting party's case and that the other party alone knows or possesses.

Processes within this Substantive Area:

LT20.10 Written Discovery /Interrogatories

LT20.15 Document Production

LT20.20 Depositions

LT20.25 Expert Discovery

LT20.30 Discovery Motions

LT20.35 Discovery On-Site Inspections

**LT25 *e*Discovery**

Discovery in litigation or government investigations which deals with the exchange of information in electronic format (often referred to as electronically stored information or ESI). This data is subject to local rules and agreed-upon processes and are often reviewed for privilege and relevance before being turned over to opposing counsel.

Processes within this Substantive Area:

LT25.10 Identification

LT25.15 Preservation

LT25.20 Collection

LT25.25 Processing

LT25.30 Review

LT25.35 Analysis

LT25.40 Production

LT25.45 Presentation

LT25.50 EDRM Project Management

**LT30 Trial Preparation and Trial**

Preparing for or participation in a judicial examination and determination of facts and legal issues arising between parties to a civil or criminal action.

Processes within this Substantive Area:

LT30.10 Fact Witnesses

LT30.15 Expert Witnesses

LT30.20 Written Motions/Submissions

LT30.25 Trial Preparation and Support

LT30.30 Trial and Hearing Attendance

LT30.35 Post-Trial Motions/Submissions

LT30.40 Enforcement

**LT35 Appeal**

Timely resorts by an unsuccessful party in a lawsuit or administrative proceeding to an appropriate superior court empowered to review a final decision on the ground that it was based upon an erroneous application of law.

Processes within this Substantive Area:

LT35.10 Appellate Proceedings/Motions Practice

LT35.15 Appellate Briefs

LT35.20 Oral Argument

**LT40 Exemplar and Exhibit Disposition**

The retention, storage and proper disposition of property and exemplars (models).

Processes within this Substantive Area:

 *To be identified*

## Transaction/M&A (Project) (TN) Classification

**TN10 Deal Management**

Managing project activities, i.e., time spent overseeing the management of the matter based on assuring that scope, time and cost are evaluated, monitored and communicated. Includes adjusting the level of effort and assignment of work, communicating among the team and with the client/customer on changes in circumstances and evaluation of budget against actual.

Processes within this Substantive Area:

 *To be identified*

**TN15 Preliminary Matters**

Supporting preliminary matters (letter of intent, confidentiality agreements, exclusivity, inducement, break fee information memorandum, auction process, service provider engagement agreements). Includes drafting, negotiating and amending preliminary stage agreements, establishing bidding and auction procedures, and drafting, negotiating and amending engagement agreements with service providers (e.g., accountants, environmental consultants, investment bankers, etc.).

Processes within this Substantive Area:

 *To be identified*

**TN20 Initial Document Preparation**

Drafting transaction documents and opinions prior to delivery and soliciting input/guidance from specialists on terms and provisions. Includes all related communications regarding engagement.

Processes within this Substantive Area:

 *To be identified*

**TN25 Due Diligence and Disclosure Schedules**

Reviewing documents, attending management presentations, preparing due diligence questionnaire, setting up data room, negotiating due diligence reliance letters, and conducting other due diligence searches (e.g., liens, litigation, background checks, etc.). Includes time related to drafting, reviewing and negotiating disclosure schedules.

Processes within this Substantive Area:

 *To be identified*

**TN30 Negotiation/Revision/Response**

Supporting the negotiation of and amendment to initial transaction documentation as a result of such negotiations, drafting ancillary agreements, attendance at meetings, and associated responses.

Processes within this Substantive Area:

 *To be identified*

**TN35 Financing**

Drafting, negotiating and amending any sale or acquisition financing (e.g., bank loans, debentures, equity financing, security agreements, guarantees, etc.).

Processes within this Substantive Area:

 *To be identified*

**TN40 Regulatory and Specialty Matters**

Support of consultations regarding particular areas of expertise.

Processes within this Substantive Area:

TN40.10 Antitrust / Competition

TN40.15 Data Security/Privacy/Data Protection/Cyber Security

TN40.20 Employment, Labor and Employee Benefits

TN40.25 Executive Compensation

TN40.30 Environmental

TN40.35 Intellectual Property and Technology

TN40.40 Real Property

TN40.45 Securities Regulatory Matters

TN40.50 Tax

**TN45 Shareholder/Board Matters**

Supporting Board presentations regarding due diligence findings and the transaction, drafting of minutes and resolutions of the board, review of fairness opinions, and advising the board regarding fiduciary duties/shareholder meetings.

Processes within this Substantive Area:

 *To be identified*

**TN50 Closing Matters**

Drafting and supporting the negotiation of closing documents (e.g., certificates, bills of sale, legal opinions, closing agenda, powers of attorney, etc.) and attending the closing.

Processes within this Substantive Area:

 *To be identified*

**TN55 Integration Matters (M&A)**

Support of post-closing integration matters, including restructuring of subsidiaries and post-closing transfer of assets and liabilities within a party’s corporate structure.

Processes within this Substantive Area:

 *To be identified*

**TN60 Post-Closing Requirements, Disputes & Adjustments**

Assisting with post-closing requirements, disputes and adjustments (working capital, indemnification, earn-out), post-closing working capital, purchase price adjustments, earn-out and other adjustments, and negotiating and litigating indemnification claims.

Processes within this Substantive Area:

 *To be identified*

**TN65 Maintenance and Renewal**

Subsequent maintenance and renewal requirements under the terms of the transaction or project such as monitoring of lease agreements, routine waivers and coordination of lien perfection (UCC and other) requirements.

Processes within this Substantive Area:

 *To be identified*

## Patent (PT) Classification

**PT10 Assessment, Development, and Administration**

Fact investigation and development, analysis and strategy, document and file management, and budgeting.

Processes within this Substantive Area:

 PT10.10 Fact Investigation and Development

 PT10.15 Property and Exemplars

 PT10.20 Analysis/Strategy

 PT10.25 Document/File Management

 PT10.30 Budgeting

 PT10.35 Other Assessment, Development, or Administration

**PT15 Patent Investigation and Analysis**

The state-of-the-art, patentability, clearance, validity, infringement, and status investigations, and publication watches.

Processes within this Substantive Area:

 PT15.10 State-of-the-Art Investigation

 PT15.15 Patentability Investigation

 PT15.20 Clearance Investigation

 PT15.25 Validity Investigation

 PT15.30 Publication Watches

 PT15.35 Infringement Investigation

 PT15.40 Status Investigation

 PT15.45 Other Patent Investigation and Analysis

**PT20 Domestic Patent Preparation**

Provisional, non-provisional, and design application preparation, plant and validation patent and continuing application preparation for domestic patents.

Processes within this Substantive Area:

 PT20.10 Provisional Application Preparation - Domestic

 PT20.15 Non-Provisional Application Preparation - Domestic

 PT20.20 Design Application Preparation - Domestic

 PT20.25 Plant Patent Preparation - Domestic

 PT20.30 Continuing Application Preparation - Domestic

 PT20.35 Validation Patent Application

 PT20.40 Other Patent Application Preparation – Domestic

**PT25 Domestic Patent Prosecution**

Information disclosure, preliminary amendment, official communication, quasi-judicial administrative proceedings, post-issuance remedial action, and other patent prosecution activities for domestic patents.

Processes within this Substantive Area:

 PT25.10 Information Disclosure Statement - Domestic

 PT25.15 Preliminary Amendment - Domestic

 PT25.20 Official Communication - Domestic

 PT25.25 Quasi-Judicial Administrative Proceedings - Domestic

 PT25.30 Post-Issuance Remedial Action- Domestic

 PT25.35 Other Patent Prosecution - Domestic

**PT30 International Patent Preparation**

Provisional, non-provisional, and design application preparation, plant and validation patent and continuing application preparation for international patents.

Processes within this Substantive Area:

 PT30.10 Provisional Application Preparation - International

 PT30.15 Non-Provisional Application Preparation - International

 PT30.20 Design Application Preparation - International

 PT30.25 Plant Patent Preparation - International

 PT30.30 Continuing Application Preparation - International

 PT30.35 Validation Patent Application Preparation - International

 PT30.40 Other Patent Application Preparation – International

**PT35 International Patent Prosecution**

Information disclosure, preliminary amendment, official communication, quasi-judicial administrative proceedings, post-issuance remedial action, and other patent prosecution activities for international patents.

Processes within this Substantive Area:

 PT35.10 Information Disclosure Statement - International

 PT35.15 Preliminary Amendment - International

 PT35.20 Official Communication - International

 PT35.25 Quasi-Judicial Administrative Proceedings - International

 PT35.30 Post-Issuance Remedial Action - International

 PT35.35 Other Patent Prosecution – International

**PT40 Other Patent-Related Tasks**

Opinion preparation, portfolio analysis and management, assignments and security interests, and licensing.

Processes within this Substantive Area:

 PT40.10 Opinion Preparation

 PT40.15 Portfolio Analysis and Management

 PT40.20 Assignments and Security Interests

 PT40.25 Licensing

 PT40.30 Exemplar and Exhibit Disposition

## Trademark (TM) Classification

**TM10 Assessment, Development, and Administration**

Fact investigation and development, analysis and strategy, document and file management, and budgeting.

Processes within this Substantive Area:

 TM10.10 Fact Investigation and Development

 TM10.15 Analysis/Strategy

 TM10.20 Document/File Management

 TM10.25 Budgeting

 TM10.30 Other Assessment, Development, or Administration

**TM15 Trademark Investigation and Analysis**

The investigation to verify ability to register, clearance and opposition investigations, publication watches, enforcement investigation, and status investigation.

Processes within this Substantive Area:

 TM15.10 Registrability Investigation

 TM15.15 Clearance Investigation

 TM15.20 Opposition Investigation

 TM15.25 Publication Watches

 TM15.30 Enforcement Investigation

 TM15.35 Status Investigation

 TM15.40 Other Trademark Investigation and Analysis

**TM20 Domestic Trademark Application Preparation**

Application preparation and filing for domestic trademarks.

Processes within this Substantive Area:

 TM20.10 Application Preparation and Filing - Domestic

 TM20.15 Other Domestic Trademark Application Preparation and Filing

**TM25 Domestic Trademark Prosecution and Renewal**

Affidavits, petitions, extensions, declarations and other filings, preliminary amendments, official communications, and quasi-judicial administrative proceedings for domestic trademarks.

Processes within this Substantive Area:

TM25.10 Affidavits, Petitions, Extensions, Declarations and Other Filings - Domestic

 TM25.15 Preliminary Amendment - Domestic

 TM25.20 Official Communication - Domestic

 TM25.25 Quasi-Judicial Administrative Proceedings - Domestic

 TM25.30 Other Trademark Prosecution – Domestic

**TM30 International Trademark Application Preparation and Renewals**

An application preparation and filing for international trademarks.

Processes within this Substantive Area:

TM30.10 Application Preparation and Filing - International

 TM30.15 Other International Trademark Application Preparation and Filing

**TM35 International Trademark Prosecution and Renewal**

Affidavits, petitions, extensions, declarations and other filings, preliminary amendments, official communications, and quasi-judicial administrative proceedings for international trademarks.

Processes within this Substantive Area:

 TM35.10 Affidavits, Petitions, Extensions, Declarations and Other Filings – International

 TM35.15 Preliminary Amendment - International

 TM35.20 Official Communication - International

 TM35.25 Quasi-Judicial Administrative Proceedings - International

 TM35.30 Other Trademark Related Tasks

**TM40 Other Trademark Related Tasks**

Opinion preparation, portfolio analysis and management, assignments and security interests, licensing, domain names, and quasi-judicial administrative proceedings for domain names.

Processes within this Substantive Area:

 TM40.10 Opinion Preparation

 TM40.15 Portfolio Analysis and Management

 TM40.20 Assignments and Security Interests

 TM40.25 Licensing

 TM40.30 Domain Names - gTLDs

 TM40.35 Domain Names - ccTLDs

 TM40.40 Quasi-Judicial Administrative Proceedings - Domain Names

 TM40.45 Other Trademark Prosecution

## Workers' Compensation (WC) Classification

**WC10 Initial Assessment**

The initial assessment of case and/or issue and outcomes. Includes fact investigation, analysis, strategy development, identifying experts, budgeting, and settlement/mediation activities and associated alternative fee arrangements (AFA's).

Processes within this Substantive Area:

 WC10.10 Fact Investigation/Development

 WC10.15 Analysis/Strategy

WC10.20 Experts/Consultants

 WC10.25 Budgeting

 WC10.30 Settlement/Resolution

 WC10.35 Alternative Fee Arrangements (AFA's)

**WC15 Pleadings/Preliminary Proceedings**

Developing and preparing pleadings, meetings and conferences with judge up to Hearing, and associated alternative fee arrangements (AFA's).

Processes within this Substantive Area:

 WC15.10 Pleadings

 WC15.15 Conferences with Judge

 WC15.20 Alternative Fee Arrangements (AFA's)

**WC20 Discovery/Document Production**

Written discovery, document production and acquisition, depositions, expert discovery, discovery motions, discovery on-site inspections and visits, and associated alternative fee arrangements (AFA's).

Processes within this Substantive Area:

 WC20.10 Written Discovery

 WC20.15 Document Production/Acquisition

 WC20.20 Depositions

 WC20.25 Expert Discovery

 WC20.30 Discovery Motions

 WC20.35 Discovery On-Site Inspections/Visits

 WC20.40 Alternative Fee Arrangements (AFA's)

**WC25 Hearings/Trial Practice**

The examination of fact and expert witnesses, written motions/submissions, Hearing preparation and support, hearing appearances, post-hearing activities, subrogation claims, and associated alternative fee arrangements (AFA's).

Processes within this Substantive Area:

 WC25.10 Fact Witnesses

 WC25.15 Expert Witnesses

 WC25.20 Written Motions/Submissions

 WC25.25 Hearing Preparation and Support

 WC25.30 Hearing

 WC25.35 Post-Hearing

 WC25.40 Subrogation Claims

 WC25.45 Alternative Fee Arrangements (AFA's)

**WC30 Appellate Practice**

Appellate proceedings/motions; appellate briefs, oral arguments/post submission, and associated alternative fee agreements (AFA's).

Processes within this Substantive Area:

 WC30.10 Appellate Proceedings/Motions

 WC30.15 Appellate Briefs

 WC30.20 Oral Arguments/Post Submission

 WC30.25 Alternative Fee Arrangements (AFA's)

## Bankruptcy (BK) Classification

**BK10 Administration**

Case administration, asset analysis or recovery, asset disposition, relief from Stay/Adequate proceedings, meetings and communications with creditors, fee/employment applications and objections, avoidance action analysis, assumption/rejection of leases and contracts, and other contested matters.

Processes within this Substantive Area:

 BK10.10 Case Administration

 BK10.15 Asset Analysis and Recovery

 BK10.20 Asset Disposition

 BK10.25 Relief from Stay or Adequate Protection Proceedings

 BK10.30 Meetings of and Communication with Creditors

 BK10.35 Fee or Employment Applications

 BK10.40 Fee or Employment Objections

 BK10.45 Avoidance Action Analysis

 BK10.50 Assumption or Rejection of Leases and Contracts

 BK10.55 Other Contested Matters

 BK10.60 Non-Working Travel

**BK15 Business Operations**

Business operations, employee benefits/pensions, financing/cash collections, tax issues, real estate, and Board of Directors matters.

Processes within this Substantive Area:

 BK15.10 Operations

 BK15.15 Employee Benefits and Pensions

 BK15.20 Financing and Cash Collections

 BK15.25 Tax Issues

 BK15.30 Real Estate

 BK15.35 Board of Directors Matters

**BK20 Claims Administration and Plan Disclosure**

Claims administration and objections and Plan Disclosure Statement.

Processes within this Substantive Area:

 BK20.10 Claims Administration or Objections

 BK20.15 Plan Disclosure Statement (Incl. Business Plan)

**BK25 Related Advice**

The support of general bankruptcy advice/options; restructuring.

Processes within this Substantive Area:

 BK25.10 General Bankruptcy Advice/Opinions

 BK25.15 Restructuring

## Other Practices (CN) (Counseling) Classification

**CN10 Fact Gathering**

Initial inquiries, meetings and instructions. Includes the identification and collection of information relevant to the assignment.

Processes within this Substantive Area:

 CN10.10 Informational Meetings

 CN10.15 Information Review

**CN15 Research Law**

Legal research tasks, including internal meetings and consultations with those with special expertise.

Processes within this Substantive Area:

 CN15.10 Consultations

 CN15.15 On-Line Research

 CN15.20 Other Legal Research

**CN20 Analysis and Advice**

The analysis of facts or research performed and communicating related opinions or advice to clients.

Processes within this Substantive Area:

 CN20.10 Analysis

 CN20.15 Advice

**CN25 Third Party Communications**

Communications with third parties not otherwise covered in this Substantive Area. Includes communications with regulators or parties to contracts with the client.

Processes within this Substantive Area:

 CN25.10 Contract Party Communications

 CN25.15 Regulatory Communications

 CN25.20 Other Communications

## Lobbying (Government Relations) (LB) Classification

**LB10 Lobbying Administration**

Administration and oversite of lobbying efforts and related support activities.

Processes within this Substantive Area:

 *To be developed.*

**LB15 Lobbying Strategy**

Efforts to define and develop a plan to govern and direct lobbying efforts and related activities.

Processes within this Substantive Area:

 *To be developed.*

**LB20 Lobbying**

Efforts to persuade members of the government to make decisions that would benefit a particular group or special interest.

Processes within this Substantive Area:

 *To be developed.*

**LB25 Lobbying Research**

Efforts to monitor, research, and analyze legislation or regulatory proposals and attending congressional hearings and other public meetings.

Processes within this Substantive Area:

 *To be developed.*

**Questions?**

For further information about the ALA UPBMS or the public comment process, please contact: *alaupbms@alanet.org**.*