Large Law Firm structure

- Senior Partners- ultimate control over the firm
- Junior Partners- all the partners own the firm together
  - Although, how they divide profits depends on their agreement, which factors in seniority, productivity, etc.
- Senior Associates
- Associates
- “Of Counsel”
  - These are attorneys who work for the firm, but are not on partnership track or work only part time for the firm
- Paralegals
- Legal Secretaries
- Other Support Staff
Areas of Practice for Litigation Firms

- Personal Injury
- Malpractice; including:
  - Medical, legal, psychological, architectural, etc.
  - A lot of overlap with personal injury, of course
- Product Liability
  - Often, firms specialize in this subset of personal injury
- Breach of Contracts
- Corporate Litigation/Shareholder Derivative suits
- Antitrust
- Securities
- Civil Rights and Constitutional Law cases
- Intellectual Property
Role of the Paralegal

- What a paralegal can do:
  - Perform tasks delegated by an attorney and under the supervision of an attorney.
  - Draft any legal documents, reviewed by an attorney.
  - Client intake

- What a paralegal must be careful to do:
  - Clearly designate themselves as paralegals in their dealings with clients and others outside the firm.
  - Do anything that requires independent legal judgment for a client without supervision by an attorney.
  - Negotiate fees with clients.
  - Negotiate with adverse parties on behalf of a client.
  - Split fees with attorneys.
Types of Billing Arrangements

- **Hourly Rate**
  - The client will pay an up front retainer and receive periodic bills
  - The client should still be given an estimate of over-all cost

- **Task-based**
  - This works similar to hourly billing
  - Should have a retainer agreement if total is $3,000 or more in some jurisdictions

- **Flat fee (to handle a single matter from start to finish)**

- **Contingency**
  - Retainer agreement is especially important

- **Value billing**
Billing for Paralegal’s Work

- Clients can be billed for paralegal hours at market rate to the same extent as attorney hours.
- The best practice is, of course, to put the paralegal rates in the retainer agreement.
- Billing includes:
  - Keeping meticulous records of time spent on each client
  - Noting what you did for the client during each noted time period
  - Submitting your billing info in time for it to be included on periodic bills sent to the client
  - Tracking out of pocket costs that should be billed to a client
What Services are Billable?

- Not everything a paralegal (or a lawyer) does for a client is billable. It has to be professional legal services.

- Examples of billable tasks:
  - Legal research
  - Preparing documents to file with a court
  - Preparing letters to the client or opponent
  - Talking to client or opponent
  - Preparing court exhibits

- Examples of tasks that probably should not be billed:
  - Indexing and preparing a client file for the firm
  - Photocopying documents
General Things to be Careful About

- Enter all disbursement and expenses in each case
- Institute a calendar system to make sure all deadlines for all motions, filings, etc., are met
  - ("deadline" or "docket" control)
- Master technologies used by your firm, including calendar software, video conferencing, etc.
- Communicate quickly with other members of your firm, using email and other methods of instant communication
- Security of client files and information is critical; including:
  - Making sure files are locked
  - Making sure no one has access to your email account if confidential client information will be in that account
  - Etc.
Court Systems

- Parallel state and federal systems exist everywhere in the country.

- Some trials occur in specialty courts, such as:
  - Small claims court
  - Civil court
  - Surrogate’s court
  - Family Court

- Most trials (especially big trials) occur in the general trial courts.
  - In the federal system, the “district” court
  - In the state systems, usually the “superior” or “county” court
Jurisdiction in state and federal court

- Most cases are presumed to be within the jurisdiction of state trial court unless not allowed by:
  - State law; or
  - Federal “exclusive” jurisdiction

- Federal district courts can have subject matter jurisdiction bases on:
  - Federal question (e.g., §1331); or
  - Diversity of citizenship (§1331)
    - Assuming the amount in controversy is $75,000+

- Also, for state or federal court to have jurisdiction over a case, the state in which the court sits must have personal jurisdiction over the defendant.

- Proper Venue is also required
Appellate Courts

- Above the trial courts, both the state and federal systems contain two levels of appellate courts:
  - Intermediate appellate courts
    - Called “circuit courts” on the federal level
      - The country is divided into 11 circuit courts- each district court falls under one circuit
    - In the state level they’re usually called” circuit courts of appeals” or “appellate division”
  - State and Federal Supreme Courts
    - These courts can decide which cases they choose to hear by granting or denying a request for a writ of certiorari
    - *These courts are the ultimate deciders of their constitutions and laws*
      - E.g., the state courts ultimately interpret the state law, etc.
General Steps in a Civil Action

1) Cause of action arises
2) Client hires law firm to represent her in the case
3) Initial Client Interview
4) Initial investigation
   - To determine if there’s enough merit to bother filing
5) File complaint and serve on defendant
6) Receive and respond to opponent’s response
7) Discovery/ Negotiations
8) Pre-trial hearings and/or motions
9) Trial and jury verdict
10) Appeal
11) Enforcement of judgment