

## **Chapter 3: What Area of Law is Right for Your Personality Type?**

### **(Practice Areas -A Peek Inside)**

Here is a “peek” inside some of the areas of law you may be interested in – depending upon your own personality, passions and needs, let’s see how you may or may not be a “fit” for each of the practice areas:

#### ***Bankruptcy (Debtor/Creditor)***

Consumers (Debtor – this is the person who is in debt):

Do you have a heart for those who have perhaps fallen on hard times?

Do you have the temperament of a counselor?

#### **Job Description**

You will work one on one with debtors and assist them through the paperwork. Along the way, you will come to a very good understanding of the forms (voluntary petition and “schedules”) which must be filled out and filed with the bankruptcy court. There is a lot of data entry in this field.

If you are interested in this field, check out the “Resources” section of this book for information on how to download free Client Intake forms.

The intake forms will give you an idea of the information needed from the client. As a legal secretary, legal assistant or paralegal for the firm, some of your responsibilities will be:

1. Forward intake forms to client for completion;
2. Call client to check on progress;
3. Input information from intake forms into bankruptcy software;
4. Review paperwork with your attorney for accuracy, completeness and questions you may have; and
5. File documents electronically with court.

The [www.uscourts.gov](http://www.uscourts.gov) website has a link for “Service & Forms”. Take a look at all of these if you are interested in this field.

## ***Real Estate***

There are different types of real estate law practices. One may handle contracts for condominium purchases only. Several law firms I know of handle commercial and residential real estate closings from start to finish with the legal assistant or paralegal handling all of the paperwork.

As of the date of this edition of my e-book, the economy affected the number of job openings in this particular paralegal niche. As the real estate market recovers, jobs in this field will open up again.

### **Assistant's Duties:**

Completion of real estate forms utilizing specialized software such as "Doubletime". A partial list of the forms you might prepare are: the HUD Settlement Statement, the note, mortgage, and many more.

Other duties a legal "staffer" may be required to do is perform an abstract search under the guidance of their supervising attorney.

Each loan package may contain over 100 sheets of paper. If you are a quick study, have an eye for detail, and love crunching numbers, this may be the career for you. In fact, if you have an accounting background, this practice area may be perfect for you.

This type of law firm depends on volume and the legal staffers in this field are usually operating under very tight deadlines.

The good news is that seeing a real estate contract from beginning to end can give you great satisfaction as an assistant. You learn so much from each facet of the process. You become an "ace" detective/troubleshooter and an expert at solving problems.

In some real estate practices, the attorney meets with the clients and handles the closing, however, I have attended my own residential closing where the paralegal handled the closing procedure from start to finish.

## ***Personal Injury***

### **Plaintiff Side**

On this side of the fence, the injured party (plaintiff) is represented by a law firm.

The duties of the legal secretary, legal assistant or paralegal may encompass the following:

### **Assistant's Duties**

An "Intake Meeting" is held (with the client present) to accumulate the facts of the case. (Both attorney and staff member may attend this meeting together, however, the attorney may meet with the client alone initially.)

Medical records and x-rays are ordered by the staff member.

Once the medical records are received, the staff member prepares a chronological (by date) summary for the attorney's review. Records are often "Bates Stamped". A Bates Stamp is a device which allows the assistant to stamp each page in numerical sequence.

Depositions of the doctors treating the injured party are scheduled by the staff member.

The assistant is responsible for organizing and maintaining the entire file.

You will speak with doctors and nurses involved in the case as well as with the designated expert doctor.

If the case is headed for trial, your attorney will request you prepare or order exhibits which allow the jury to better visualize the important points of the case.

### **Defense Side**

Law firms on this side of the fence may represent nursing homes and/or various insurance companies.

### **Assistant's Duties**

Maintains files, prepares correspondence and all legal documents.

### **Coordinates date/time for depositions**

You will speak regularly with the expert doctor or his/her assistant to coordinate teleconferences or in-house meetings with your attorney.

Your attorney will ask you to prepare or order exhibits for trial.

### **Maintains attorney's calendar**

Inputs attorneys' time into accounting system (primarily legal secretary and legal assistant duties)

Medical records are ordered and then a summary is prepared by date (chronology).

In a practice where the attorney represents various insurance companies, the amount of money the law firm makes per case is usually based on a flat fee or a very low hourly fee, so it's imperative that the legal assistant and/or paralegal (sometimes multiple staff members) work quickly, be very organized and understand this area of law to be of the most help to the attys.

If an attorney receives \$65-80 per hour and the legal assistant and/or paralegal are allowed to bill \$35 per hour, then the name of the game becomes how much volume (cases) can the law firm handle. And, believe me, the legal staffer will be doing most of the leg work because this work brings in limited revenue. The attorney will reserve his or her time for the hearings, depositions and the higher dollar per hour cases.

When an attorney works a "flat fee" deal with the insurance company, instead of a "per hour" rate, the attorney will receive a few thousand dollars per case. If this is the deal that's been worked out, then as I've said, the legal staffer will be expected to handle the case from start to finish in order to be cost effective.

## ***Criminal Practice***

Are you a fan of the tv show, "Law and Order"?

Do you visualize yourself investigating/analyzing the scene of a crime?

Well, as a legal secretary, legal assistant or paralegal I can almost guarantee you that you will not be at the actual scene of the crime but you will be immersed in it in many other ways.

### **Defense**

Another great place to begin your legal career is with your county's Public Defender's Office. Working in the "PD's" office will give you wonderful experience in compiling information for the case, organizing it, preparing case summaries, etc. In fact, if the case is set for trial, you will be instrumental in preparing for it.

The downside to working at the city, county or state level is that the salaries are usually lower than in the private sector. However, you can move to the private sector after you gain some experience, if you desire. Be sure to note on your resume what skill sets you are accumulate in order to sell yourself effectively in an interview at a later date.

### **Defense – Private Firms**

This type of firm may handle many different types of criminal matters or they may specialize in DUIs (driving under the influence) only. Take a look under the heading “Attorneys” in your local yellow pages and you will see the different types of criminal law practices.

### **Plaintiff (Public or Private)**

By “Public” I mean state prosecutors. Your state prosecutor will be on the opposite side of the fence from the public defender. The state prosecutor’s office is another great place to begin your legal career. Usually the salary is much lower at the PD and state prosecutor’s office, but the experience you come away with is extremely valuable.

A private plaintiff’s firm will represent the party who has been victimized or the party’s family in the case of a murder, etc. Working in the field can take an emotional toll on the assistant but it has its rewards in that you feel you are truly able to connect with your clients during a very difficult time. Your kindness and professionalism may have a great impact on the client.

### **Assistant’s Duties**

You will:

1. Prepare legal documents, correspondence, reports and forms;
2. Establish, organize and maintain all office files (electronic and hard copy);
3. Prepare case summaries;
4. Monitor the calendar;
5. Interact with clients; and
6. Make lodging and travel arrangements.

Highly confidential and sensitive information may pass your desk in this practice (honestly, all information in the legal field is confidential and sensitive). You have to be able to let it roll off your back at the end of the day.

### ***Immigration Practice***

An immigration law firm can be multi-dimensional in the services it offers to its clients. The firm may offer assistance with consular applications, initial petition, extension of stay, change of status,

labor certification, family based petitions, employment based petitions, green card lottery, asylum, cancellation of removal and naturalization and citizenship claims.

### **Assistant's Duties**

You will:

1. Meet with the client to obtain relevant information;
2. Prepare a case summary for your attorney;
3. Continue further investigation of the case as required by your attorney;
4. Prepare the necessary forms to file with federal entities;
5. Prepare correspondence to clients;
6. Maintain calendar;
7. Organize and keep files up to date.

### ***Boutique Law Firms (Ultra-Specialty) Franchise Law***

This can be a very interesting area to work in for the staff member. The “franchisee” is the owner of the local business; the “franchisor” is the owner of the parent company.

The differences between the franchisee and the franchisor that bring them to a courtroom are, of course, numerous but here are a couple of examples of what a lawsuit scenario might be:

1. The franchisor announces to the local franchisee that he intends to put in another business, restaurant or dealership within a close proximity to the current business than is allowed in the franchise agreement.

The franchisee decides to sue the franchisor over “breach of contract”.

2. The franchisee refuses to abide by the rules of the franchise agreement – maybe in the areas of training, restaurant appearance or general operating procedures. The franchisor decides to sue after numerous attempts to bring the franchisee into compliance.

### **Assistant's Duties**

Working in this field on the side of the franchisee can take you all over the U.S. in your research, legal filings and contacts. If one of your attorney's clients owns a franchise in California and they desire to file a lawsuit against the franchisor, you will soon be dealing with local attorneys in California (unless your attorney is licensed in California, they will have to utilize local counsel), and you will come to a thorough understanding of the court system in California.

Working as a staff member on the side of the franchisor will often give you exposure and contact with presidents and CEOs of some very large corporations in the U.S.

Working on either side of the fence will give you very good litigation experience as well as experience in reading and understanding franchise agreements.

Some of the experience you will gain in a typical litigation practice will be:

1. How to prepare court documents (notices, motions, etc.);
2. How to write letters to the clerk of court;
3. How court documents should be formatted (court rules);
4. Deadlines for filing court documents (court rules);
5. Where to calendar important dates;
6. How to summarize a deposition;

Etc., etc., etc.

## ***Mediation***

A mediator is an individual who meets with parties on both sides (plaintiff and defendant) to assist them in coming to an agreement instead of heading off to court. Mediators are used by individuals who are headed for divorce and want to avoid the high cost of divorce attorneys. They are also used in employee/employer disputes, insurance defense and product defect cases and many, many other arenas.

You do not have to be an attorney to be certified as a mediator.

In many instances, the mediation is ordered by the court. The mediation is most often held at a neutral site, perhaps at the mediator's office where both parties feel comfortable in a non-threatening environment.

## **Assistant's Duties**

Handle telephone calls from legal secretaries/legal assistants to assist them in coordinating a date for the mediation.

Keep your attorney's mediation calendar up to date.

Prepare new files for upcoming mediations and ensure that a summary of the case is received from the attorneys in time for your attorney to review before the mediation begins.

Ensure that the facilities are clean before the parties arrive (conference room, bathroom, etc.).

Check to be sure that refreshments are available for the parties (coffee, tea, soda, cookies, etc.)

Greet attorneys and their clients as they arrive and direct the parties to the proper conference rooms.

If a settlement is reached at the close of mediation, your attorney may require that you prepare a mediation settlement statement for the parties' execution.

After the parties leave, it is your job to clean up the conference rooms and restore general order to the office.

## ***Bar Complaint/Attorney Discipline Practice***

Attorneys sometimes have complaints filed against them by former clients through the local bar. Once the bar receives the complaint, they notify the attorney and allow a certain time period for a response to the bar.

In many instances, if the complaint is quite complicated, the attorney who was complained against will contact an attorney to represent him who is well versed in providing a response to the bar.

The complaints by the client usually revolve around the attorney's negligence of the case, misrepresentation, lack of diligence, etc.

In my home state, if the local bar finds that the complaint is valid, they will send it on to the grievance committee who will assign an investigating member to delve into the complaint further.

The grievance committee then makes a recommendation and sends it on to the Supreme Court for a final decision which, by the way, cannot be appealed.

Your duties as a legal assistant or paralegal for an attorney specializing in this field may encompass some of the following:

### **Assistant's Duties**



Prepare a cover letter and representation agreement outlining the terms of the representation and forward to the new client. In most cases, work will not begin on the attorney/client's case until he returns the executed agreement along with the retainer check.

Interview the attorney/client for complete details concerning the complaint. (Note: in this particular field, the attorney/client may feel a little awkward talking to a staff member at first, but that will soon pass.) If the new client speaks to your attorney privately, then your attorney will dictate a summary for the file.

After both you and your attorney have had a chance to thoroughly review and discuss the summary, it may be necessary to contact the client by telephone or by letter to fill in some of the blanks. You may even request that the client compile some additional documentation for forwarding to you and your attorney for review.

The attorney will usually dictate a response to the bar from the summary.

Several revisions to the response will be made. A draft "final" response will then be forwarded to the client for review for completeness. If the client is agreeable, the final response is then forwarded to the bar.

## ***Bar Applicant Practice***

In my home state of Florida, law school students have to fill out their bar application which is then forwarded to the Florida Board of Bar Examiners ("FBBE") for a thorough review.

If the FBBE feels that some of the applicant's responses require much greater understanding and clarification, they will send the applicant a "Notice of Investigative Hearing".

The FBBE advises the applicant as to exactly what sections of the application are being brought into question.

The applicant has a choice of hiring an attorney to assist in reviewing and possibly amending the application and then appearing at the investigative hearing together.

## **Assistant's Duties**

You handle initial conversation with the potential new client and prepare a summary for your attorney in memo form.

If your attorney agrees to take on the new client, you will then prepare a cover letter and representation agreement for the potential new client.

Upon receipt of the executed representation agreement and the retainer check, work can begin on the case.

The application is reviewed section by section and a summary is prepared for the attorney's review.

As the attorney directs, contact the client for additional information.

Both you and the attorney will determine from the client who he would like to appear as "live" witnesses at the upcoming hearing.

Conduct preliminary interviews of the "live" witnesses for your attorney's review.

Prepare a hearing notebook which contains the bar application, amendments to the bar application, preliminary interviews of "live" witnesses, letters of recommendations and verification of volunteer work.

Attend the investigative hearing with the client and await the decision by the FBBE.

### ***Applicant/Rehabilitation Practice***

After a bar applicant has attended his/her investigative hearing, a decision is reached within the next week or so following the hearing as to whether they feel the applicant should or should not be allowed to practice law.

If they decide "yes", the applicant simply fills out a bit of paperwork and finds a judge to swear him in as a full-fledged attorney.

If the panel decides "no", the applicant must go through a "rehabilitation" process which simply means that the panel wants to see some major changes take place within the applicant usually over a period of one to two years.

An attorney who takes on a "rehab" applicant reads the panels recommendations for the applicant's rehabilitation and then helps him or her achieve those goals.

Where to contact me:

Website: <http://www.LeslieSansoneWilliams.com>

YouTube Channel (LeslieWilliams 126): <https://www.youtube.com/user/lesliewilliams126/videos>

Facebook (Paralegal Coffee Talk): <https://www.facebook.com/paralegalcoffeetalk/>

Podcast (CastBox app): Find it under Leslie Sansone Williams or Paralegal Coffee Talk

Legal Break-In book: <http://amzn.to/2paTqZ1>

