Practice of Law

Can you give me an idea of the kind of variety of legal practices?

Here’s a series of descriptions which reflects the diversity of employment possibilities in the various fields of law. The following material comes largely from the *ABA-LSAC Official Guide to ABA-Approved Law Schools*, *Careers in Law*, and *Full Disclosure*.

**Business Practice**: Transactional lawyers spend time "counseling corporate clients on day-to-day operations and long-term business plans, drafting and negotiating contracts, occasionally assisting clients in an attempt to hold a failing deal or business relationship together in order to avoid litigation." Life as a deal maker in most law firms involves practice in one or both of two different areas of transactional work: (1) mergers and acquisitions (2) securities law (including public offerings, private placements, and regulatory compliance). A good transactional lawyer must be able to see both sides of the transaction and suggest, analyze, and evaluate creative solutions that both sides can accept.

**Corporate Counsel**: In-house counsel can serve primarily as an intermediary between management and outside counsel, or management may rely exclusively on in-house counsel for legal advice or representation in legal proceedings, and sometimes in-house counsel have both roles. Such lawyers are generally more familiar with the operations of the corporation, the sources of necessary factual information and the key personnel involved. A cumulative knowledge base is developed and an in-house attorney has the relatively unique ability to provide preventative advice to their client (the company).

**Criminal Law**: In every American jurisdiction someone is charged with the responsibility of prosecuting criminal cases on behalf of the state. Plea bargaining is common in the practice and hence criminal lawyers must cultivate strong negotiation skills. Though not highly paid, this field provides lots of hands-on experience for trial practice and the satisfaction of knowing that one is working toward the public good. Criminal defense is a highly litigation oriented practice in which many practitioners combine criminal law with some other form of civil litigation.

**Environmental Law**: This cuts across a large number of legal transactions and is a specialty, frequently multi-national, that requires technical as well as legal knowledge—including property, torts, administrative law, and litigation. This is not an area for generalists. Most of the available jobs are with companies and individuals being sued, though governments also employ environmental lawyers, but public funding is limited. Another possible option is lobbying to change environmental policy at national and state levels. Such a practice demands an understanding of the multi-faceted regulatory process.

**Family Law**: Domestic relations law includes: divorce (comprising skills in counseling, negotiation, drafting legal documents, trial practice), matrimonial law (such as prenuptial agreements), and issues arising in non-traditional families. Juvenile law focuses on rights of children and is most often dealt with by welfare agencies and legal aid offices. Elder law is an umbrella for many types of substantive practice such as estate planning, health law, real estate, social security, pensions, and retirement.
**Government Practice:** Lawyers are needed at all levels of government (federal, state, county, city), and at specialized entities such as water authorities, taxing entities, and government corporations. All three branches of government, the armed services, the Department of Justice, and nearly all federal agencies employ attorneys. Additionally, government law practice is exceedingly varied in its substantive scope, though such lawyers may lack significant amounts of client contact. Government attorneys serve the public, are free from most constraints of billable hour goals, and often work fewer hours in a day than many other legal practices. The trade-offs are far lower salaries and fewer resources at one’s disposal.

**Health Law:** A current focus of this field is determining how to deal with increased patient autonomy and the fact that people are living longer lives. Medical malpractice falls within this domain. Health lawyers negotiate contracts for doctors, hospitals and HMOs; consider problems of legal-medical ethics; address environmental health problems; and help shape public policy.

**International Law:** The two areas of international law are public international law and private (or commercial) international law. Public international law deals with issues of war and peace, human rights, intelligence gathering, and international organizations. Such lawyers need advanced language skills and knowledge of local customs. Private international lawyers facilitate commercial transactions for their clients.

**Judicial Clerkships:** Accepted graduates must be at or near the top of their class, academically inclined, like to do legal research, have the ability to write well, and are willing to commit at least a year to a judge. Appellate clerks deal largely with legal theory, or the scholarly side of law, and have exposure to a wide variety of legal issues. Judicial clerks function in a trial atmosphere and perform a variety of functions. Close interpersonal relationships often develop and demands lawyers who are competent, honest, and loyal.

**Employment and Labor Law:** The National Labor Relations Act (NLRA) passed during the Great Depression gave workers the right to bargain collectively with management. Since then an adversarial relationship has been institutionalized between unions and management. Union lawyers (practicing labor law), management lawyers (practicing employment law), and government lawyers all have a role in this field. Due to the centrality of arbitration hearings, strong negotiation skills are a pre-requisite. Labor law incorporates aspects of employment law, workers’ compensation, and benefits law while being encompassed by Equal Employment Opportunity, OSHA, and the Americans with Disabilities Act.

**Property Law:** This field comprises real property (land), personal property, and intellectual property (intangibles). It addresses residential, commercial, zoning and land use issues, wills and trusts, housing, and leasing. Intellectual property deals with copyrights, patents, trademarks, trade secrets, and the moral rights of the artist.

**Public Interest Advocacy:** Such attorneys serve as advocates for individuals and groups who are traditionally unrepresented and underrepresented. This field of practice offers exciting work which can positively impact not only one’s client, but also sets legal precedents that can improve conditions for many people. Such lawyers can work for individual clients while working to further the goal of a broader legal policy. Though budgetary constraints often arise due to reliance on foundation grants and government funds, some public interest advocacy groups are membership organizations while others employ fundraising methods (or both). This field
provides hands-on experience at an early stage of one’s career and each lawyer often has primary responsibility for their caseload. Yet, the pay is low, and there are fewer resources and training options. Public interest advocacy jobs are often the product of an interested lawyer showing a great deal of initiative in identifying and applying for such jobs. Fortunately, Loan Repayment Assistance Programs (LRAP) are becoming more mainstream and help offset the costs of loan repayment while working in the public’s interest.

**Teaching Law:** Much work is required, jobs are difficult to find, and the few available openings are very competitive. Your whole history matters: the caliber of law school graduated from, references, academic record (whether on law review, honors, judicial clerkship, publication record), and teaching experience. The Association of American Law Schools serves as a coordinating center for teaching applicants and law schools with faculty openings. AALS sponsors an annual recruiting conference, normally in November, but applicants can also contact schools directly. Two different kinds of positions are available: an academic teaching slot and a clinical position; see how both positions are treated at various institutions. Law professors get to think deeply and critically about the issues of their choice and do not have to advocate for a client's viewpoint. Additionally, it's gratifying to work with law students. Though, with such heavy workloads, law professors depend on assistants to help with their research work. You have to find satisfaction from individual work or research and be prepared to earn less than you would in many other practices.

**Tort Law:** This final field of practice focuses on compensation instead of punishment and is comprised of intentional torts, negligence (malpractice), and strict liability. This is a litigation intensive area and negotiation skills are a prerequisite. This field covers issues such as defamation (written and oral), privacy, and misrepresentation. In today’s expanding marketplace of goods and ideas, conflicts which require the expertise of a tort lawyer are bound to continue arising.