

Practice Areas

Admiralty and Maritime Law

Admiralty and Maritime Laws govern navigation and shipping not only in U.S. tidal waters, but also any waters within the United States used for navigation (navigable waters). These generally include the oceans of the world as well as large lakes or rivers that can be used for commercial shipping. Navigable waters are divided into territorial waters and the high seas. Territorial waters are close to land while the high seas are waters that are further away from land.

Maritime law, admiralty law, marine law, the law of marine insurance and the law of the sea, barges, ships, shipping, commercial vessels, fisheries, offshore oil and gas rigs, semi-submersible drilling rigs, jack-up drilling rigs, commerce, seamen, passengers and cargoes, salvage, towing and towage, wharves, piers, docks, insurance, maritime liens, canals, pleasure and recreation water craft, and even piracy (ship hijacking) all fall within the admiralty/maritime law area.

What laws govern Admiralty and Maritime?

There are state admiralty and maritime laws. But, the general federal maritime law as set down in United States statutes and decisions of federal appellate courts and United States Supreme Court pre-empt and take precedence over all state laws. The source of federal maritime law is the United States Congress in the U.S. Code and also in written case decisions announced by the United States Courts (federal common law).

Administrative Law

Administrative Law is the body of law governing administrative agencies- -that is, those agencies created by Congress or state legislatures, such as the Social Security Administration, state Unemployment Insurance Boards, state Welfare Commissions and the Occupational Safety and Health Administration. The authority these agencies possess is delegated to them by the bodies which created them; the Social Security Administration's power comes from Congress.

Administrative agencies administer law through the creation and enforcement of regulations; most of these regulations pertain to providing some type of benefit to applicants. Frequently, an applicant objects to an agency's decision to deny, limit or terminate the benefits provided and seeks to have the decision reviewed. This review is called an administrative hearing and is held before an administrative law judge (A.L.J.).

Administrative hearings are informal, yet very important. Usually, the A.L.J. meets with representatives from the agency and the applicant seeking benefits. The applicant may choose to be or not be represented by an attorney and in fact, many administrative agencies permit paralegals, law students or law clerks to appear on behalf of applicants. Each side presents its evidence and elicits testimony from its witnesses. The hearing is often tape recorded, as opposed to taken down by a court reporter. The A.L.J. renders a decision called an administrative order, which may be reviewed by either a higher level within the agency or by a court.

Additionally, lawyers from many practice areas encounter administrative issues in their practice, even if they are not working for an administrative agency. Any business that is in an industry that is "regulated," such as health care, environmental science, manufacturing, aviation, or securities is subject to administrative authority. Therefore,

attorneys in many practice areas are charged with ensuring that their clients' business practices adhere to the standards set forth by administrative agencies empowered to interpret and regulate business activity within a given industry.

Appellate Practice

After a decision is rendered in a civil or criminal law trial by a trial judge or jury, the party who loses has the right to have the decision reviewed by a higher court. Appellate Law (also known as appeals process or appellate procedure) consists of the rules and practices by which higher courts review lower court judgments.

Appellate law is different than other forms of litigation in the respect that there is no discovery, and the appellate record is limited to what was already presented to the trial court. An appeal is presented to a multi-judge appellate panel and is decided almost entirely on the written briefs, including those from amici curiae (Friend of the Court) groups.

Appellate law deals mainly with what judgments are appealable, how appeals are brought before the court, what will be required for a reversal of the lower court (e.g., a showing of "abuse of discretion," "clear error," etc.), and what procedures each party must follow. Appellate law also involves such issues as posting and challenging appellate bonds, writs of habeas corpus (Habeas Corpus Act), writs of execution, writs of restitution, writs of quo warranto, writs of procedendo, writs of supersedas, writs of prohibition, writs of mandate, writs of administrative mandamus, writs of certiorari, and other forms of discretionary relief, pursuit of further relief on remand, post-verdict motions, and other issues.

What is an appealable judgment?

There are a lot of decisions made during the course of the trial. For example, if the judge denies a motion to dismiss, the proceedings will continue and the order denying the motion is considered an interim (interlocutory) order. Because these are not final judgments, they are not appealable. The final decision (also known as a final disposition, final judgment, or final order) concludes the case as far as that court is concerned. Appealable judgments are commonly limited to the lower court's final decision. But, there are some exceptions including: instances of plain or fundamental error by the trial court, questions of subject-matter jurisdiction of the trial court, or constitutional questions.

What is an appeal?

An appeal is the process by which the higher court reviews the decision of the lower trial court. The right to appeal an adverse legal decision is granted by the United States Constitution and in state constitutions. The appeals system provides a check on the power of judges and juries, granting the higher court the authority to overturn what it considers erroneous or unconstitutional judgments or judgments it otherwise deems inappropriate. Anyone who has had an adverse court decision made against him or her is the party with the right to appeal. This applies to government agencies, corporations and other business entities, as well. The appealing party is called the appellant. The opposing party that agrees with the outcome of the trial and argues during the appeal that the judge's or jury's decision should be left alone is the appellee.

Aviation Law

An aviation practice can range from the representation of clients involved in litigation arising out of a crash of a large commercial airliner to defending a lost baggage claim. Aviation law involves the basic tort law concepts of negligence, breach of warranty and strict liability as well as contract law. Attorneys may represent aircraft or aircraft

component manufacturers, airlines, private pilots or other parties in the general aviation industry, or work with an administrative body such as the Federal Aviation Administration. There are also transactional attorneys practicing aviation law, such as those rendering advice to a corporate client that wishes to purchase an aviation-related entity such as an airline or charter operation.

Banking & Finance

Banking and Finance Law consists of state and Federal statutory laws pertaining to the regulation of banks and financial institutions. Bank accounts may be established by national and state chartered banks and savings associations. All banks and financial institutions are regulated by the law under which they were established.

A banking and finance practice within a private law firm can represent a wide spectrum of clients in the financial and commercial areas, including banks, bank holding companies, and clients with banking affiliations. These attorneys have substantial knowledge in state and federal banking regulation, enforcement actions, tax law, bank mergers and acquisitions, bankruptcy, commercial paper, secured financing, real estate and Uniform Commercial Code matters. Lawyers with this expertise are also found within the banking institutions themselves in a corporate setting. This practice area is largely transactional, and overlaps with many other areas of law. The banking and financial industry is heavily regulated, at the federal and state level, so many attorneys are needed in compliance work, and occasionally administrative law matters.

Bankruptcy Law

Bankruptcy Law provides a legal method for an individual or commercial enterprise (business) to either wipe out (discharge) the debts by liquidating assets and distributing them among creditors or resolve them by developing a court-approved reorganization plan, or other plan involving the repayment of creditors over time.

The primary purposes of bankruptcy laws are to relieve honest individual and commercial enterprise debtors from indebtedness and to provide them with a fresh start. Title 11 of the United States Code (the bankruptcy code) regulates the bankruptcy proceedings, including what chapter under which a debtor may file, what bills can be eliminated, how long payments may be extended, what possessions can be kept, and all other details concerning the bankruptcy. If the debtor initiates the bankruptcy it is called a voluntary bankruptcy. If the creditor initiates the bankruptcy it is called an involuntary bankruptcy.

Bankruptcy Proceedings

There are two basic types of bankruptcy proceedings: liquidation under Chapter 7 and debtor rehabilitation involving a court-approved plan of reorganization and payment of the debts over a period of time using future earnings under Chapters 9, 11, 12 and 13. The following gives general information on the five chapters of bankruptcy under which the debtor may possibly file:

Chapter 7 - Informally called "straight bankruptcy," is a liquidation bankruptcy proceeding. The debtor turns over all non-exempt property (assets) to the bankruptcy trustee who then converts it to cash for distribution among the creditors. At the end of the proceeding the debtor receives a discharge of indebtedness (discharge notice) for all dischargeable debts, releasing him or her from personal liability for those debts.

Chapter 9 - Adjustment of Debts for a Municipality - is a federal mechanism for the resolution of municipal debts passed by Congress about 60 years ago. This form is similar to reorganization under Chapter 11, but it's only available to municipalities. Municipalities include cities and towns, as well as villages, counties, taxing districts, municipal utilities, and school districts.

Chapter 11 - Reorganization - is normally the chapter under which commercial enterprises (businesses) file. This allows the business to continue its operations while repaying creditors concurrently through a court-approved plan of reorganization.

Chapter 12 - Adjustment of Debts of a Family Farmer with Regular Annual Income - provides debt relief to family farmers. Chapter 12 proceedings are very similar to those of Chapter 13 where the debtor proposes a plan to repay debts over a period of up to three years, unless the court approves a longer period, no more than five years.

Chapter 13 - Adjustment of Debts of an Individual with Regular Annual Income - provides debt relief for individuals (consumers). Chapter 13 differs from Chapter 7 in the respect that it enables the debtor to keep valuable assets, like a house, while making payments to creditors (through the trustee) based on the debtor's anticipated income over the life of the plan, usually three to five years. At a confirmation hearing, the court either approves or disapproves the plan, depending on whether the plan meets the Bankruptcy Code's requirements for confirmation.

Civil Litigation

Civil litigation runs the gamut from a basic marriage dissolution to a complex, mass torts case with multiple plaintiffs and multiple defendants with millions of dollars at stake. In fact, any legal issue can be litigated. For example, while the probate process is generally transactional, a will can be contested and the dispute can be settled in court. While there is a very structured set of procedures in the litigation process, it can also be an amoeba— that is— the case can take twists and turns, and change in ways you don't anticipate. The best litigators are prepared, and not easily rattled by the unexpected. For many lawyers, it is their client's goal not to go to trial. In fact, most issues filed in court conclude in settlement. Once in the courtroom, however, the litigator is a legal specialist who combines oratory skills with legal analysis and cross-examination to convince a judge and/ or a jury of his or her client's position. Below, are some of the most common specialty areas for civil litigators:

PERSONAL INJURY: Many trial attorneys have rewarding careers litigating personal injury cases. Attorneys who are successful and rewarded in this practice area are skilled presenters, and enjoy the advocacy role. They represent people who suffered "damage to their person." While that might bring to mind some late night television advertisers soliciting whiplash victims, most often, attorneys in this practice area are representing victims who have been damaged in ways that affect them for the rest of their lives. The personal injury lawyer's job is to "prove damages," or to maximize monetary compensation for an injured client. To do so, a personal injury lawyer will actively engage in investigation of the accident or event that caused the injury, and will almost always call upon medical and/ or technical experts for testimony. They are adept interviewers, gathering information from witnesses, medical professionals, insurance companies, and victims. They are persuasive communicators, and often must know how to utilize sophisticated technology for graphics and visuals to demonstrate their case to a jury.

INSURANCE DEFENSE: Insurance companies are often the parties that pay for damages in many civil litigation matters. These companies generally have their own team of attorneys who are usually experienced litigators. Insurance companies will also hire outside law firms to assist in their defense, depending on the jurisdiction and the nature of the claim. If a claim is litigated, insurers have personnel specifically trained to investigate its validity. (People with law degrees are sometimes sought out for these positions). Attorneys specializing in insurance defense also work for private law firms hired by insurance companies.

An insurance defense practice, whether in an insurance corporation or a law firm, will also call upon other legal professionals. For example, attorneys are hired by insurance corporations in alternative legal careers--as experts in risk management, contract administration, investigation, and regulatory compliance.

PRODUCTS LIABILITY: A man sues a lawnmower manufacturer for personal injury sustained when the blade hits a rock, propels it from underneath the mower, and strikes his leg. He claims the mower was defectively designed. A woman with an adverse reaction to a drug sues three pharmaceutical companies, and a drug industry trade association. She claims her illness was caused by the defendants' failure to warn her of the dangers of the drug. The State of Minnesota sues a building contractor, claiming negligence in the builder's use of asbestos in buildings constructed over ten years ago.

These cases have different fact situations, legal theories, and evidentiary concerns and defenses, but they all fall under the "products liability" practice area. Numerous theories of recovery can be brought under single or multiple causes of action. They include negligence, strict liability, breach of express warranty, breach of implied warranty, and in some situations, absolute liability. In most cases damages are sought for personal injury. Sometimes, such as in the asbestos case, damages are available for economic loss. In certain cases, punitive damages are awarded.

COMPLEX LITIGATION: This describes a case filed in court that is likely to have multiple parties and multiple causes of action, and sometimes crosses jurisdictions. Examples are mass tort cases and class actions such as the breast implant litigation, the tobacco litigation, and the Dalkon Shield litigation. Lawyers involved in these cases are with private law firms or in-house, corporate counsel for one of the parties named in the suit. Generally, the large private law firms will be on the defense side, and plaintiff's work is handled by smaller firms.

OTHER COMMON SPECIALTY AREAS FOR LITIGATORS: As mentioned above, any legal matter can end up in litigation. Employment matters are often heard in court, such as hiring discrimination claims, wrongful termination, or sexual harassment. Business and corporate issues are frequently litigated, such as the interpretation of a shareholder agreement or failure to deliver specified goods on time. Family law matters frequently get settled in the courtroom, such as marital termination agreements and child custody. Contract disputes, tax matters, and real estate issues also provide enough litigation for many lawyers to make a lucrative practice specializing in litigating these types of cases.

Civil Rights

Civil Rights Law is the area of law protecting those rights guaranteed by the Bill of Rights, the 13th and 14th Amendments to the Constitution, including the right to due process, equal treatment under the law of all people regarding enjoyment of life, liberty, property, and protection.

What is a Civil Right?

A civil right is an enforceable right or privilege, which if interfered with by another gives rise to an action for injury. Examples of civil rights are freedom of speech, press, assembly, the right to vote, freedom from involuntary servitude, and the right to equality in public places. Discrimination occurs when the civil rights of an individual are denied or interfered with because of their membership in a particular group or class. Statutes have been enacted to prevent discrimination based on a person's race, sex, religion, age, previous condition of servitude, physical limitation, national origin and in some instances sexual preference.

Civil Rights Legislation

The most prominent civil rights legislation since reconstruction is the Civil Rights Act of 1964. Decisions of the Supreme Court, at the time, limited Congressional enforcement of the 14th Amendment to state action. Since 1964

the Supreme Court has expanded the reach of the 14th Amendment in some situations to individuals discriminating on their own. Therefore, in order to reach the actions of individuals, Congress, using its power to regulate interstate commerce, enacted the Civil Rights Act of 1964 under discrimination based on "race, color, religion, or national origin" in public establishments that had a connection to interstate commerce or was supported by the state is prohibited.

Public establishments include places of public accommodation (e.g., hotels, motels, trailer parks, restaurants, gas stations, bars, taverns, and other places of entertainment). The Civil Rights Act of 1964 and subsequent legislation also declared a strong legislative policy against discrimination in public schools and colleges which aided in desegregation. Title VI of the civil rights act prohibits discrimination in federally funded programs. Title VII of the Civil Rights Act prohibits employment discrimination where the employer is engaged in interstate commerce. Congress has passed numerous other laws dealing with employment discrimination.

Construction Law

Construction law is a specialty dealing with all matters of new building construction. This can range from the real estate transactions, the financing of commercial projects, and contracts between developers, subcontractors, and buyers. Some litigators specialize in this area as well, and can encounter issues from personal injury stemming from construction site accidents to products liability of materials used in building.

Corporate Law

Corporate Law is the area of law focusing on the legal methods of obtaining an official charter or articles of incorporation from the state for an organization, which may be a profit-making business, a professional business such as a law office or medical office or a non-profit entity which operates for charitable, social, religious, civic or other public service purposes and the legal ramifications of such an organization-business formation law. Corporations are governed by state corporation laws. Other laws that govern business operations include consumer protection law, contract laws, labor and employment law, anti-trust and trade regulation laws, securities, and others that deal with the day-to-day operations of a corporation.

How are corporations different from other business entities?

Unlike other business entities, corporations are treated separate from their stockholders because legally speaking, the corporation is a separate legal entity from its stockholders. This is why corporations can sue and be sued without any personal liability on the stockholders' part. Corporations are also taxed separately from their stockholders, creating a double-taxation situation-the corporation paying taxes, and the individual stockholders also paying taxes. But corporations are typically taxed at a lower rate than their stockholders. Transferring stocks and shares of stock is fairly easy in a corporation and if a shareholder dies, the corporation doesn't.

Attorneys are also found working within corporations as "in-house" corporate counsel. For these lawyers the corporation for which they work is their client. The issues they handle may include all those mentioned above, as well as handling employment issues or lawsuits against the company arising out of personal injury, products liability, or breaches of contract.

Criminal Law

Criminal prosecution is generally handled by government agencies at the federal, state, and local levels. Attorneys are found in federal enforcement agencies such as the Federal Bureau of Investigation and the Drug Enforcement Agency. The United States Attorney' s Office has 94 offices across the country. This prosecutorial arm has a Criminal

Division broken down into three parts: Organized Crime Drug Enforcement Task Force, General Crimes Section, and Economic Crimes Section. State agencies include those such as the Minnesota Bureau of Criminal Apprehension, and the state Attorney General's Offices. Local offices are the city, county and/ or district attorneys.

Criminal defense is also handled by some state and local government entities, such as a county-level public defender's office, nonprofit or public service agencies such as Legal Aid Societies, and the private sector. Usually, law firms engaged in a criminal defense practice are small, private law firms, and will represent individuals facing drug charges, DUI, and other various misdemeanors and felonies. Occasionally, very small municipalities will contract with local firms to serve as their prosecutor.

Elder Law

As our population continues to age, elder law is emerging as a specialty in which many lawyers find opportunity. Elder law encompasses a host of legal issues that specifically affect the elderly. For example, the baby-boomers are in their 50s now, and becoming concerned with retirement security.

Lawyers with expertise in financial markets and investment products are needed to provide those services, along with accompanying real estate and estate planning issues. Other issues might overlap with health law, including Medicare/Medicaid issues, nursing home payments, assisted suicide and living wills. Other common issues are will, trusts, and conservatorships.

Employee Benefits / Executive Compensation Practice

Attorneys in this practice area represent both publically—and privately—held companies, and banks and trust departments in all phases of designing and administering employee benefits and retirement processes, such as 401k plans, 403b plans, health benefits, and other investment vehicles companies offer to their employees. Other issues include incentive compensation plans, capital accumulation plans, and stock option plans. These attorneys often have a client counseling role, assisting their clients in long-range strategic planning, educating clients on current regulations and legislation, and advising clients to ensure compliance with those codes. This is a highly technical area of law with many tax implications. Many practitioners have backgrounds in accounting and/ or an advanced law degree in tax.

Entertainment / Sports Law

An entertainment law practice can range from representing on-air personalities to professional athletes to educational institutions. These lawyers will negotiate employment agreements and standard player contracts. The practice involves negotiation of endorsement/ marketing agreements, representing clients in grievance/ arbitration proceedings, providing tax and estate planning advice, and reviewing and/ or developing investment agreements. It is also common for lawyers in this practice area to handle numerous real estate transactions, and manage their clients' equity interests in real estate.

Employment & Labor Law

Lawyers in private law firms represent clients in both the private and public sectors in a variety of labor and employment matters. A labor relations attorney will represent employers in matters such as unfair labor practices, collective bargaining negotiations, representation elections, grievances and arbitrations, and strike litigation. These attorneys also counsel clients on issues such as affirmative action compliance, employee handbooks, workplace rules, and other related matters. An employment litigator will represent clients on issues such as discrimination in hiring, wrongful discharge, breach of employment contract, workplace libel and slander, employee right to privacy, and

other issues. Some employment lawyers are also found representing companies before administrative agencies such as state bureaus of employment, bureaus of workers' compensation, the Equal Employment Opportunity Commission and the National Labor Relations Board. Others actively advise and represent clients in OSHA matters involving employee health and safety.

Environmental Law

This practice area encompasses a number of activities. There is an ongoing need for attorneys to provide regulatory advice to businesses. Government agencies such as the Environmental Protection Agency are often involved in an administrative law practice. For example, if a business, citizen group, a county or municipality believes a regulatory agency has issued a permit that does not adequately protect the environment, administrative procedures enable these parties to challenge the permit.

Attorneys are also consulted to represent clients in the industrial and manufacturing industry that, because of past activities, have been scheduled for investigation and clean up in the next decade. Private parties may also be involved in disputes involving land contamination and will hire private counsel. While some environmental disputes are litigated, most are handled through the administrative process. Finally, environmental lawyers are often involved in putting together business deals such as real estate transactions, and business acquisition and divestitures. Often when these transactions involve the transfer of real property, environment assessments are required.

Family Law

Family law practices are usually limited to small and mid-sized private law firms. Some public service agencies, such as Legal Aid Societies, will represent indigent clients in family law matters. Family law matters can include pre-marital advice and planning; child-related issues such as custody, support, and visitation; divorce planning, negotiation and/or litigation involving support, spousal maintenance, or division of property; and post decree modifications and enforcement. Those engaged in a family law practice are very skilled counselors and negotiators, whose success is often dependent upon their ability to demonstrate genuine concern and compassion for their clients. Family law often involves trial work, and can overlap with many other areas of law such as tax and estate planning, real estate, corporate and finance, contract, and criminal.

General Practice

A general practice is just what it sounds like. This refers to a law firm or an individual lawyer who handles many different types of legal matters from different practice areas. Many solo practitioners and small-firm lawyers have a general practice, or as it is sometimes called, "door law," that is, they will handle whatever comes in the door. Usually these lawyers will limit their work to litigation or transactional matters, but there are a handful who do both. Large law firms usually are described as general practice, meaning that there are departments of attorneys devoted to handling a spectrum of particular practice areas. The lawyers within these departments are usually specialists in their given field, however the firm as a whole is described as "general practice." This term is limited to private law firms and individual lawyers. Government and corporate setting lawyers are usually specialists in one or more closely-related fields.

Government Practice

There are literally thousands of government entities that hire lawyers, and they are found at the federal, state, and local levels. Many of these bodies are mentioned elsewhere in this article. Some offices may do work that is specific to a substantive area of law, such as the administrative bodies like the SEC. We felt we should still include a "government practice" section separately because there are so many government offices that handle many different

types of legal issues and offer a wide variety of practice styles. A good example of this is the state Attorney's General Offices. These offices generally provide legal advice to members of the state legislature, the judiciary and local officials such as county attorneys and sheriffs to assist them in enforcing state law. In Minnesota, more than 100 state agencies, boards and commissions receive legal advice and representation from the staff of the Attorney General's Office.

Attorneys represent the state in adversarial proceedings including lawsuits in state and federal court, rule-making hearings, administrative hearings, rate hearings, disciplinary conferences and collection activities. Staff attorneys provide advice and opinions involving statutory interpretation, potential liability, legal authority for proposed agency actions, and federal law requirements. Attorneys draft legislation and administrative rules, write opinions, advise clients, and respond to citizens' questions and concerns. Many attorneys also handle substantial transactional work involved with state contracts, real estate matters, and program administration.

The Attorney General regularly helps to shape public policy by proposing legislation to deal with legal policy concerns in the state. For example, proposals can include crime and violence prevention, consumer protection, civil rights, environmental protection, or children's advocacy. The Office also implements a wide range of public policy programs, including drug prevention, sexual violence and harassment prevention, environmental protection, consumer education, child support enforcement and more.

Government Relations

Some large firms have a department called "Government Relations." This group of lawyers is usually involved in some aspect of "lobbying." Lobbying is defined as all attempts to influence legislators to vote in a certain way or to introduce legislation. Attorneys in the government relations department will be involved in monitoring and analyzing proposed legislation, and engage in direct lobbying activities. Additionally, these lawyers may be involved in trying to influence administrative rule-making bodies, such as the Department of Health or the Environmental Protection Agency. Some of these lawyers may also become involved with litigation stemming from a perceived unfair consequence of legislation. Clients can range from private or public companies, such as a managed health care provider where proposed legislation could have a direct effect on its business; or professional associations, such as the American Medical Association, that represent members of an industry that could be affected by proposed legislation. Lobbyists are sometimes hired directly by these organizations. In some instances, the government relations attorney is an employee of the corporation or organization, rather than working for a law firm hired by that entity.

Health Care Law

This represents one of the fastest growing and dynamic practice areas. It is a specialty which blends many practice types including litigation, general corporate, medical malpractice, antitrust, tax, securities, real estate, labor, partnership, to name a few. Dramatic changes in the healthcare industry in recent years have created a huge demand for lawyers as issues such as assisted suicide, crimes against the elderly, right to die, and others present themselves. The changing nature of the organizations in the industry— insurance and managed care companies, physician organizations, hospitals and clinics, regulatory bodies, and patient groups—calls for lawyers skilled in business transactions such as mergers and acquisitions. Litigation has also stemmed from the challenge of issues such as access to health care and health care benefits. Healthcare technology is growing rapidly and attorneys are needed to protect ideas and inventions, and to advise companies in that business in their general corporate matters. Healthcare is a highly-regulated industry, and many lawyers assist their clients in compliance issues. There are a host of issues here, and that is only expected to continue to expand opportunities as this industry continues to change.

Immigration

Immigration is a comprehensive body of federal laws that govern issues of foreigners coming into the United States, including admission, exclusion, deportation, and naturalization of aliens. The Immigration and Naturalization, part of the United States Department of Justice, employs a great number of immigration lawyers. Courts devoted to handling immigration issues will also hire attorneys to assist judges. In recent years, the legislature has been in the process of reforming immigration laws, and some members of Congress and other legislators have hired immigration lawyers for assistance. Private firms also represent clients ranging from those seeking citizenship, new citizens working to bring their families into the country, aliens with issues related to employment or education visas, and/ or companies who wish to recruit and hire internationally. Also, some in-house, corporate counsel may deal with other immigration issues if the company they work for does business internationally or has other international concerns.

Intellectual Property

This area is perhaps the fastest-growing, hottest area of law, with the demand for qualified lawyers exceeding the supply. Attorneys in this field, with very few exceptions, are required to have degrees in one of the hard sciences: engineering, medicine, computer science, physics, etc. These practitioners may be engaged in all aspects of copyright, trademark, licensing, trade secrets, and patent law. Clients are usually businesses involved in the chemical, medical and pharmaceutical, biological, mechanical, electronics and computer technologies. Lawyers assist them in acquiring, protecting and exploiting intellectual property assets, including patent preparation, prosecution, licensing and litigation. Intellectual property attorneys can be found in private law firms of all sizes. Many private law firms are "boutique" firms, and limit their practice exclusively to intellectual property. Corporations in these industries often hire their own, in-house patent counsel.

International Practice

The term "international law" is really a misnomer. There is no one practice area that could be described as "international." Rather, an international practice is one in which the attorney's clientele consists of organizations or individuals that conduct business internationally, or have international clients themselves. Assets such as language skills and multi-cultural experience are valuable to attorneys who wish to engage in an international practice. These attorneys are usually those who first gain experience in transactional work, and then acquire international clients over time. Few new attorneys are able to secure a job in an exclusively international practice.

An international practice can encompass all aspects of business enterprise including mergers, acquisitions, joint ventures and other investments; international finance; international development projects; international intellectual property rights; international trade and finance; regulation of international trade; international tax matters; international government representation; litigation and regulatory compliance; international arbitration; and international real estate matters. Lawyers in an international practice can also represent individuals and families in complex immigration, residency, tax, estate planning, and corporate and investment legal issues that cross the boundaries of the national legal systems.

Judicial Clerkships

Judicial clerkships should be distinguished from other "law clerk" positions. "Law clerk" is usually the title given to a law student who assists an attorney with research and writing duties. A judicial clerkship, however, is a post graduate position, assisting a judge, usually for a finite term of one or two years. Judicial clerkships are found in virtually every court in the land, from the Supreme Court of the United States to county level district courts, at both the trial and appellate level. These positions, at the federal level and the state appellate level, are generally highly competitive and require superior law school credentials and a demonstration of superior legal writing skills. These

positions are considered to be quite prestigious, and many new lawyers who have served as judicial clerks have found that the experience was not only one of the most rewarding of their legal careers, but that the experience opens many doors, and expands opportunities available to them at the conclusion of the clerkship.

Legal Services

Legal services are generally private, nonprofit corporations which provide free legal representation in civil and criminal matters to low income and elderly residents in various geographic areas. Attorneys who join legal service organizations have the opportunity to acquire experience quickly and develop skills in a variety of civil and criminal matters. Legal issues common to legal service organizations are family law matters, landlord/ tenant disputes, criminal defense, fair credit practices and other civil rights claims.

Medical Malpractice

The practitioner here will deal with claims that question the standard of care rendered by a physician, dentist, optometrist, chiropractor, or an employee of a hospital. An attorney practicing in this area must understand not only legal principles, but also must be knowledgeable as to the appropriate standard of care to be exercised in a variety of health care professions and settings. Representative issues can include those such as: Did the medical professional fail to diagnose or misdiagnose the patient's condition resulting in injuries? Did the surgeon perform a procedure improperly resulting in injury to the patient? Did the nursing staff follow orders issued by the physician? The attorney's task is to simplify and focus the issues, and to make a case involving complex medical facts, issues and analysis as simple and straightforward as possible.

Municipal Law

State and local governments have need for many different kinds of legal services. Some of those services are provided by attorneys who are employed within the government entity, and others by special outside counsel in private law firms who specialize in the public sector practice. Those services required include general advice and counseling, drafting agreements and legislation, advice and assistance in the implementation of governmental programs, and representation in judicial and administrative proceedings at the federal, state and local levels. Substantive areas can include public finance, education, securities regulation, hazardous waste management, housing and urban development, land use control, telecommunications, elections, and a host of other issues. Clients of these lawyers include states and their agencies, board of education, counties, cities, villages, townships, state and municipal university and colleges, and some private sector entities in their relations with public bodies.

Probate Trust & Estate Planning

Probate, Trust and Estate Planning attorneys represent clients who run the gamut from the most modest of estates to those that are highly complex, either because of the unusual nature of the client's assets and liabilities, or because of the nature of the client's business, commercial and other interests. Services include extensive review, analysis and recommendations with respect to income, gift and estate tax matters, and well as pre-and post-death personal and administrative aspects of a client's estate. This is another practice area with huge tax implications. Many of these attorneys are CPAs or have accounting background. Attorneys with this expertise are found in many different environments, including private law firms of all sizes, and in organizations such as banks, trust companies, and accounting firms. Clients can be individuals or corporations.

Real Estate

Real estate law relates to any issue involving real property. Many lawyers have a special expertise in real estate law, while many others encounter tangential issues of real estate law in other practice areas. Real estate tends to be a fairly technical practice area with a lot of accounting functions and tax implications. It is common for real estate issues to be dealt with on a regular basis by tax and probate and estate planning practitioners. Many in-house, corporate attorneys deal with real estate issues. For example, many companies lease retail space as part of their business, purchase large commercial sites for their own office space, or lease space in their building to other businesses. Real estate lawyers also represent individuals making all kinds of real estate transactions. Title companies, mortgage companies, and other lending institutions will also hire real estate legal specialists. Government real estate lawyers may deal with issues such as condemnation and eminent domain, and are usually hired at the local level.

Securities Law

A security is simply a manifestation of an investment in an enterprise. It may be a bond, a share of common stock, a note, a limited partnership interest, interest in real estate or any other tangible or intangible asset imaginable. The practice is primarily transactional work, business counseling, some litigation relating to investments, and the raising of capital for the enterprise. Securities lawyers are found in private law firms as well as in-house corporate counsel. Some government entities also hire securities lawyers, the largest of course, being the Securities and Exchange Commission. Day-to-day work can address those issues associated with financing transactions, public offerings, private placements, blue sky commissions (registration requirements that vary from state to state), reporting requirements, and SEC compliance. The client base can be diverse and dynamic including private and public businesses, venture capitalists, investment analysts, bankers, and securities brokerage houses.

Tax Law

Attorneys specializing in tax can be found in many employment settings, in both the public and private sectors, including large accounting firms. Clients can include individuals, government bodies, private and public businesses from a small family business to Fortune 500 corporations. Tax specialists work closely with practitioners in other practice areas. Virtually everything a lawyer does for a client will have a tax consequence, whether it is a marriage dissolution or drafting a simple will, or advising and executing complex commercial transactions. Whether the client is an individual or a huge corporation, the tax lawyer's goal is to maximize the preservation of assets and the positive impact on the bottom line. This is accomplished through careful tax planning and counseling of clients, and advising clients on the tax aspects of financing such as public and private offerings, debt instruments, equity stakes and other tax-oriented investments. Tax attorneys also provide advice to tax-exempt organizations on the tax aspects of a wide range of organizational and operational matters. These attorneys are highly knowledgeable in obtaining tax-exempt status in the most expeditious manner and effectively counseling such organizations on maintaining their tax-exempt status.

Tribal / Indian Law

There are some lawyers who work exclusively with legal issues affecting Native American tribes, Indian land and reservations, and treaties. Attorneys are found in federal government bodies such as the Bureau of Indian Affairs and The Indian Claims Commission, which hears and determines claims against the United States on behalf of any Indian tribe. Private law firms also have lawyers who specialize in matters relating to Indian lands and reservations, tribal rights, and other legal issues affecting Native Americans. Additionally, specific Indian tribes, which are recognized as sovereign entities with the power to regulate their internal and social organization, have lawyers who may be members of the tribe themselves, and/ or lawyers who are hired as "general counsel," to handle the legal affairs of their tribe. Public service agencies also serve the Native American community with lawyers who specialize in the

Indian Child Welfare Act, and others who serve children, the elderly, or indigent members of the Native American community.

Workers' Compensation

Practice in this area consists of representing employees and employers in the administration of workers' compensation benefits. Typically, law firms exclusively represent either employers or employees, however there are some firms that will represent both. On the employee's side, counsel assists injured employees in filing for benefits due as a result of industrial injury or disease. It can also include the litigation of claims which are appealed from the administrative process to the state court system. On the employer side, lawyers are defending their clients against such claims. Employer's counsel can also be involved in counseling and educating employers in establishing safety programs and other methods designed to reduce industrial accidents and injuries. In large law firms (generally defense-oriented with employer clients) new lawyers who want to litigate often cut their teeth on workers' compensation matters to gain trial experience before moving on to more complex legal areas.