



The
LITIGATION
PARALEGAL

A Systems Approach

Sixth Edition

James W.H. McCord, J.D.
Pamela R. Tepper



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PARALEGAL**

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**The Litigation Paralegal: A Systems
Approach, Sixth Edition**

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To Sandy,

*the love of my life, and
in loving memory of my parents*

Marks W. and Hazel C. McCord

J. McCord

AND

*To my family, the Teppers, and my St. Thomas family,
the Van Beverhoudts, all your support does not go unnoticed.*

Thank you is never enough.

Pamela



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PREFACE

Litigation is a vital and often dramatic component of our system of dispute resolution. *The Litigation Paralegal: A Systems Approach*, Sixth Edition provides students and faculty with learning resources written specifically for them—resources combining the theories and principles of law with practical paralegal skills, paralegal ethics, and a sensitivity toward the goals and needs of the paralegal profession, all in the context of the law office.

Like the *Fifth Edition* of this text, the *Sixth Edition* is a comprehensive revision impacting every chapter. Although the changes are numerous, the most significant changes are the additions of new features, which include Technology Update, Trade Secrets, Ethical Considerations, and Case Study: Understanding the Law. Each new feature provides important information that can be used in the paralegal's daily practice.

The “Technology Update” focuses on advances in technology relating to the civil litigation arena. Such areas as cloud computing and predictive coding are highlighted in this section.

The feature titled “Trade Secrets” includes practical tips and suggestions that will help paralegals in their day-to-day job assignments. How to use social media in civil litigation is just one of the areas discussed in the Trade Secrets feature.

The “Ethical Considerations” feature concentrates on the many ethical issues paralegals encounter. These sections are intended to offer some guidance on the distinction between the role of the attorney and the role of the paralegal in the legal profession.

Previous editions discussed important cases throughout the text. In the *Sixth Edition*, important or precedential cases are analyzed in Case Study: Understanding the Law. For some, this may be their first introduction to case analysis and review. In this section, cases are summarized and digested with review questions posed at the end for critical review of the concepts discussed in the featured case.

Additionally, the *Sixth Edition* continues exploring the ever changing area of *electronic discovery* and the associated ethical and practical responsibilities of the lawyer and the paralegal in that area. Since the *Fifth Edition*, more revisions to the *Federal Rules of Evidence and Civil and Appellate Procedure* have occurred and are examined further, as are the practice requirements of the *Health Insurance Portability and Accountability Act*. Relevant new forms have been added or substituted and others revised to reflect current practice.

Similarly, new features have been added to assist the student in applying and understanding the information discussed in the chapter. These features are “Apply Your Knowledge” and “Internet Exercises.” Both features assist the student in reinforcing the concepts addressed in the chapter as well as learning how to locate information on the Internet. Many of the exercises encourage the student to understand the differences in the federal and state systems, including forms and rules of court.

There are also new exercise and assignment features at the end of each chapter. The newest addition is the Case Assignments. This feature assists the student in following one case—the *Forrester* case—from interview to appeal. Drafting all the key litigation documents is the mainstay of this exercise and will assist the student in building a portfolio that can be used as future examples of how to draft a particular document, or to be used as a sample of the student’s abilities when interviewing for prospective jobs. The Case Assignment is intended as a skill builder and a practical way for the student to see the development of the concepts in the course of study and, in turn, real life. Additionally, many of the Systems Folder Assignments and Application Assignments from the *Fifth Edition* Workbook have been updated and incorporated into the end-of-chapter questions.

Finally, the attention to the application of state rules and practice is continued in the *Sixth Edition*. The *Sixth Edition* encourages students through many of the exercises and features to review state rules and practice and note the differences and similarities to federal practice.

This text is suited to several types of litigation students: the traditional college classroom student, the student in an online course, and the paralegal being trained in the law office as a litigation paralegal.

ORGANIZATION OF TEXT

The Litigation Paralegal: A Systems Approach, Sixth Edition remains true to its origins. It continues to introduce students to the law office and takes them chronologically through the steps and tasks involved in litigation, from the facts of the cases they will be working on to judgment enforcement and appeal. Chapter by chapter they build proficiency in the specific tasks or competencies that are required of them as paralegals. The text places the student in a law office setting where the instructor assumes the role of the paralegal’s supervising attorney. This office training procedure uses a systems approach in which the student develops a litigation systems folder complete with forms, documents, checklists, rules, relevant websites, and practice tips. The folder, completed by the end of the course, provides the student with a valuable resource.

Use of the systems approach enhances the process of both teaching and learning litigation paralegal skills. Because a good systems folder helps the student on the job and maybe even in securing a job, the systems folder provides an extra incentive to do the accompanying assignments at the end of each chapter thoroughly and accurately. It teaches the benefits of being organized and develops the confidence to create a system in any area of law. Utilization of the systems approach also reinforces the skills presented in the text. The text, its exercises, and instructor’s manual, however, are flexible and designed to accommodate approaches other than a systems approach.

FEATURES OF THE TEXT

In each chapter the student is given the following:

1. Learning objectives
2. One or more specific litigation tasks
3. Substantive and procedural background on the task.
4. Guidelines and directions on how to perform the task
5. Examples from a sample case on how to perform the task
6. Practical application of concepts discussed
7. Helpful websites
8. Study questions to review and reinforce learning
9. Key terms for vocabulary building
10. Case Assignments for drafting and skill building

Application of Knowledge

Each chapter, according to its focus, contains a varying balance of exercises for in-class or out-of-class assignments and discussions.

Systems Folder Assignments structure the building of an impressive practice system of topically arranged forms, legal principles, rules, checklists, and other material. An outline of the systems folder contents is in Appendix A.

Application Assignments require the application of legal principles to new fact situations or to practice skills. They test the student's understanding of the concepts presented within the chapter.

Internet Exercises encourage familiarity with electronic research on relevant websites.

Other features of the text include:

- **Professional Associations and Resources**

References to numerous relevant professional organizations, associations, and related websites, publications, standards, and other resources are provided.

- **Case Law and Other Authority**

Citations refer to pertinent case law, statutes, rules, and American Bar Association standards. The Case Study: Understanding the Law feature provides the student with precedential or relevant cases on the topics covered in the chapter. Questions for Review test the student's understanding of the legal precepts presented in the case identified.

- **Sample Practice Forms**

Many practice forms, pleadings, motions, and other documents are included to provide familiarity with forms and to give a basis from which to work with state forms or to draft forms.

- **Checklists**
Checklists give step-by-step guidance in specific practice situations and provide examples for developing additional checklists as needed.
- **Diagrams, Tables, and Charts**
Visual aids facilitate learning, stimulate interest, and summarize and organize important information. Space is provided in exhibits for the addition of state-specific information.
- **Legal Terminology**
Key legal terms are highlighted in bold and defined in the text as well as in the margins for quick access. They are also listed at the end of each chapter and in the Glossary at the end of the text.
- **End-of-Chapter Exercises and Assignments**
New exercises are included at the end of each chapter, including Systems Folder and Application Assignments as well as Case Assignments that follow a case from the beginning of the litigation process to the final stages on appeal, providing students with a portfolio for future reference and use.

NEW FEATURES AND CHANGES TO THE SIXTH EDITION

- **Most Significant Additions**
The most significant additions include updated information on e-discovery (including the duty to protect and preserve evidence) and related forms, courtroom decorum for paralegals, and the latest in courtroom presentation technology and practice. Practical tips and important cases highlight the new edition's features as well as new exercises and assignments emphasizing Internet skills and drafting.
- **General Resource Guide for Investigation on the Web**
Chapter 3 contains an updated guide to law-related and other resources on the web. Used as is or as a resource to be periodically updated in the law office, the guide is a valuable, categorized resource.
- **Updated Internet and Application Exercises**
- **Case Examples**
Recent case examples, including Supreme Court cases, are included throughout the text. Relevant and significant cases are now summarized with review questions added for critical thinking and understanding of the legal precepts addressed in the chapter.
- **Systems Folder Assignments and Application Assignments**
Many of the Systems Folder Assignments and Application Assignments from the *Fifth Edition* Workbook have been updated and added to the end of each chapter.
- **Updated Pleadings, Motions, and Time Limits Chart**
This chart, located at the end of Chapter 6, has been expanded and updated to reflect recent changes in the Federal Rules of Civil and Appellate Procedure.

- **Changes to the Federal Rules**
The text identifies and explains important changes in the federal rules on civil procedure, evidence, and appeal. Those impacting e-service and filing, e-discovery, attorney/client privilege and trial preparation materials (work product), subpoenas, and citation of unpublished court opinions are most important.
- **American Bar Association Standards**
Expanded discussions of ABA standards on e-discovery, Ethics 2000, and ABA Principles for Juries and Jury Trials (2005) are presented.
- **Other Changes**
Other changes have been made in every chapter of the book to see that forms and checklists are current and that text and concepts are both current and clear. Additions include jurisdiction, class actions, federal tort claims practice, metadata, high-low agreements, offer of judgment, types of verdict, practice tips, and other topics and procedures.

SUPPLEMENTAL TEACHING AND LEARNING MATERIALS

Instructor Companion Site

The online Instructor Companion Site provides the following resources:

Instructor's Manual and Test Bank

The **Instructor's Manual** and Test Bank have been greatly expanded to incorporate changes in the text and to provide comprehensive teaching support. The Instructor's Manual contains instructional tips, suggested class activities, chapter outlines, and answers to the text questions.

PowerPoint Presentations

Customizable Microsoft PowerPoint® Presentations focus on key points for each chapter. (Microsoft PowerPoint® is a registered trademark of the Microsoft Corporation.)

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Please note the Internet resources are of a time-sensitive nature and URL addresses may often change or be deleted.

ABOUT THE AUTHORS

James W. H. McCord earned his law degree at the University of Wisconsin-Madison and practiced civil and criminal law before becoming the first director of the Paralegal Program at Eastern Kentucky University. He has served as president of the American Association for Paralegal Education and as a member of the American Bar Association Commission on Approval of Legal Assistant Programs. He has published articles and other books on paralegals and paralegal education, including the coauthored *Criminal Law and Procedure for the Paralegal: A Systems Approach*.

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WELCOME TO THE LAW OFFICE: FOUNDATIONS FOR LITIGATION

OUTLINE

Introduction

Office Manual

The Paralegal Handbook:
Office Orientation and Ethics

Courts and Jurisdiction

A Case Roadmap

Summary

OBJECTIVES

AFTER READING THIS CHAPTER, YOU WILL BE ABLE TO:

- Understand the role of the paralegal in the law office
- Recognize the importance of law office procedures in the practice of law
- Explain the ethical obligations of the paralegal in the legal arena
- Distinguish between the federal and state court systems
- Identify the different types of jurisdiction and in which court cases should be filed

INTRODUCTION

civil litigation

The process whereby one person sues another person in a court of law to enforce a right or to seek a remedy such as financial compensation.

Civil litigation is the process whereby one person sues another person in a court of law to enforce a right or to seek a remedy such as financial compensation. Established procedures facilitate the fair resolution of conflicts that might not otherwise be peacefully resolved. Our focus is civil litigation, suits between private citizens for wrongs such as the carelessness leading to an auto accident or the failure to follow the terms of a contract. We will not address criminal litigation, which is the government suing a person for specific violation of the criminal code such as murder and robbery.

The following cases are typical of the kinds of circumstances that spawn litigation. They are real in the sense that there are hundreds of cases just like these, involving human pain and deeply felt emotions.

In the chapters to come, paralegal tasks will be presented in the context of one or more of these cases. Case I, the *Forrester* case, will be the text's main reference. Some of the other cases will be used for task assignments. The remaining cases illustrate other kinds of litigation. The cases will also be used to place you in as realistic a law office setting as a textbook can create.

□ CASE I

Negligence or Not: The Case of the Out-of-Control Van Forrester v. Hart and Mercury Parcel Service, Inc.

On her way to work Tuesday, February 26, Ann Forrester ducked her head against the cold wind and stepped gingerly across the ice patches on Highway 328 to put a letter in the mailbox. Her husband, William Forrester, and children, Sara, age four, and Michael, age eight, waited in the car in the Forrester driveway, ready to be dropped off at work, day care, and school. They live in a small town called Statesville in Middleton County.

Michael yawned and drew pictures on the frosty car window with his fingernail. Sara banged her new pink snowboots against the seat. "Cut that out, Sara!" William warned, then opened the car door to yell, "Hurry up, Ann, or we'll be late!" She didn't seem to hear.

Richard Hart, married and father of three teenage children, sang along with the radio as he drove his Mercury Parcel Service van the morning of February 26. After delivering this express package, he would take a breakfast break. It hadn't been fun driving in the wind and patchy ice from Dayton, Ohio into the state of Columbia.

As the van topped a sharp crest in the road, Mr. Hart saw a woman on the right side of the road stepping out onto the highway. He pressed down hard on the brake pedal, but the van didn't stop.

The woman, Ann Forrester, looked up at the approaching van. She saw it skidding toward her. Ann Forrester scrambled frantically, in vain. Mr. Hart could not bring the vehicle under control, and it struck Ms. Forrester, then smashed into a tree. ■

□ CASE II

Knowledge of a Preexisting Problem: The Smoldering Electrical Connection

Ameche v. Congden

Margie and Leroy Congden, owners of Maple Meadows Campground, were told that electrical outlets at some of the campsites weren't working. The Congdens groaned. It was the middle of the busiest season of the year.

Leroy confirmed that the problem included all sites from 30 to 39 and found that repair would necessitate digging a trench across the ten campsites to excavate the faulty wiring.

"We have to keep those sites available, at least until after Labor Day," Margie told Leroy. "There's no way we can notify all the people who have made reservations that we won't have a place for them, and there isn't another campground within one hundred miles."

Leroy made an appointment with an electrician to do the repairs after September 7, then ran a connecting line of extension cords from the outlet at site 40 to the affected sites. He was careful to string the cords along the gravel edge of the campsites away from traffic areas. The rubber casing on one of the cords was broken in several places, he noticed, but concluded it would not be a problem.

On the afternoon of August 21, Carl and Zoe Ameche set up their camper on site 36 of Maple Meadows Campground. Meanwhile, their six-year-old son, Zach, collected bugs and sticks and gathered gravel into piles.

When Carl finished with the camper, he noticed an extension cord connection lying on the ground near where his son was playing. He pulled the cord away from the campsite into a grassy area.

Mr. and Mrs. Ameche unpacked and relaxed in their camper, occasionally noticing a flickering of the camper light. Emerging later, they found the grassy area behind their campsite in flames. Carl found Zach unharmed, trapped on the other side of the fire, and was able to carry him to safety, but received severe burns on his own arms and legs in the process. Since most campers had not yet checked in, there were no other injuries, but several campsites, some recreation facilities, and many of the venerable maple trees for which the camp was named, were destroyed. ■

□ CASE III

Negligence or Product Defect: The Daredevil versus the Motorbike Design **Coleman v. Make Tracks, Inc.**

Harold James, an executive at Make Tracks, Inc., propped his feet on his desk and looked out over the skyline of Legalville. He had finally brought his successful bicycle company into the motor age with the new three-wheeled all-terrain vehicle, Big Track, now being shipped to markets across the region.

James had pushed diversification to capture a more modern image for the company in a speed-conscious society. The positive reaction to television ads featuring the Big Track over bold computer graphics and rock music seemed to bear him out.

His friends had urged him to take the safer route, to stay with bicycles. After all, he had three kids to educate. He was glad he had not listened.

At the Coleman farm on Labor Day, September 4, laughter and wisecracks focused on Sean Coleman, the only child of Sam and Emma Coleman. His effervescent personality and athletic skills had made him a leader at Lafayette County High. His intelligence and academic record convinced adults in the community that he would go far. In two years he would be off to Columbia State University, where he planned to major in agriculture in preparation for managing the family farm.

Now Sean was celebrating with his friends—trading stories, eating hot dogs, and taking turns riding the new Big Track three-wheeled all-terrain vehicle that he had received for his recent sixteenth birthday.

"So, Hotshot," called Sean's best friend, Jason Hackett, "Let's see you ride that thing like they do on TV!"

Sean gave him a thumbs-up signal, and was off, riding up a nearby hill. Rapidly increasing speed, he hit full throttle at the steepest incline before the crest of the hill. The front wheel lifted off the ground, flipping the vehicle backward onto Sean. The county rescue squad rushed him to the hospital, unconscious. ■

□ CASE IV

Contractual Obligations: The Effect of The Inexperienced Partner—Christmas Humbug Briar Patch Dolls, Inc. v. Teeny Tiny Clothing Manufacturing Co.

Pandemonium broke out in the aisles of toy departments across the country. There were fewer than forty shopping days until Christmas, and the stock of popular Briar Patch Dolls was 30 to 60 percent short.

Briar Patch Dolls seemed to be an overnight craze, but it had taken Paul and Judy Heinz twelve years to build up from the cottage industry production of a few hand sewn rag dolls for a local gift shop. The business had grown slowly and gradually from a fledgling storefront in Asheville, North Carolina, until last year, when the Heinzes decided on a major expansion. They invested their last dollars in new equipment, employees, and a national advertising campaign that produced Christmas orders for 100,000 dolls—ten times last year’s number. Production of the dolls proceeded on schedule.

Paul and Judy Heinz obtained clothing for the dolls from the Teeny Tiny Clothing Manufacturing Company, Inc., which made the trademark denim overalls worn by all Briar Patch Dolls. Three friends owned and operated Teeny Tiny Clothing and had expanded it to keep pace with Briar Patch. Although not all past contracts for the denim overalls had been filled on time, sales of the dolls had not been substantially hurt.

The general manager and primary force in the enterprise was Ethel Meyers, an energetic, creative woman. Her partners, Harriet Smith and Alice McGinnis, were mostly interested in supplementing their families’ incomes while their children were in college.

In January of the prior year, a contract had been signed between Briar Patch Dolls, a Vermont Corporation, and Teeny Tiny Clothing, a Massachusetts Corporation, for 100,000 pairs of doll overalls, sewn to specification, to be delivered in increments of 25,000 on March 15, May 15, July 15, and September 15. Within thirty days of delivery, Briar Patch was to pay two dollars for each pair of overalls delivered in satisfactory condition.

On March 11, Ethel Meyers died. Teeny Tiny Clothing tried to meet the contract anyway. On March 15, 24,000 overalls were delivered, of which 5,000 were unsatisfactory. The other delivery dates were met as follows:

May 15:	15,000 pieces, 5,000 unsatisfactory
July 15:	10,000 pieces, 5,000 unsatisfactory
September 15:	7,000 pieces, 3,000 unsatisfactory
October 15:	3,000 pieces, 2,000 unsatisfactory

As a result of the delays, inadequate shipments, and defects, Briar Patch was able to fill only 40 percent of its orders. At a profit of ten dollars per doll, Briar Patch lost \$600,000.

The next year, children’s television programming became saturated with colorful ads for Jolly Lolly clown dolls, which replaced Briar Patch Dolls as number one on children’s Christmas lists. ■

□ CASE V

Incompetence or Sexual Harassment: Workplace Discrimination Rakowski v. Montez Construction Co.

Darlene Rakowski was proud to be the first woman to be hired for a nonsecretarial position by Montez Construction Company. Adam Stroud, the foreman who hired her, said he really didn't think a woman was tough enough for the job, but she was determined to try.

As she arrived the first day, catcalls and whistles erupted from the crew. A couple of the men followed her, doing an exaggerated bump and grind. The sexual behavior ended after Ms. Rakowski complained to the foreman. Thereafter, however, Ms. Rakowski was assigned menial tasks, primarily fetch and carry orders on the ground. Rarely was she allowed to work with equipment on actual construction, although her vocational school training had prepared her to do so. Her usually competent work on these simple tasks elicited loud mocking from her co-workers and almost weekly profane outbursts from the foreman. His complaints never included instructions on how to do a better job, but rather references to Ms. Rakowski's stupidity and worthlessness, and were always made in front of other workers. When a male worker made mistakes, Mr. Stroud called him into his office for a quiet conference. Ms. Rakowski went to Mr. Stroud to complain about her treatment, and he responded that she was taking it too seriously.

As the incidents continued, Ms. Rakowski became more distraught, occasionally bursting into tears, which only intensified the mocking and jeering from her fellow workers. In desperation she went to Carlos Montez, owner of the company. He promised to look into the problem, and advised her to "loosen up."

Conditions did not change. Complaints about the quality of her work and her inability to lift certain items, follow directions, and operate tools safely were filed in her personnel record. She was not given the normal opportunity to rebut such charges. Very upset, Ms. Rakowski missed more and more work.

Having made her decision to look for another job, Ms. Rakowski travels from employment agency to employment agency with no success. She feels trapped, wondering, "What am I going to do?" ■

OFFICE MANUAL

Successful litigation requires skill and efficiency. One tool for efficiency is the office manual or handbook. These books, in loose-leaf or electronic format, consist of information, policies, and procedures that help employees work more effectively from the first day forward. Paralegals may be assigned the task of writing an office manual.

The following section is an example of a manual designed to orient a new paralegal to the firm. This manual describes the structure and personnel of the law office and some of the essential procedures, such as timekeeping and billing, employed by most law firms. Thriving in a law office environment is crucial to your well-being and is addressed here as well. Learning processes employed in your training are introduced in the manual, as are the ethical and professional responsibilities that you must assume from the start. In short, the *Paralegal Handbook* addresses fundamentals essential to becoming an effective litigation paralegal. Following the handbook is a review of the U.S. court system and the somewhat complex issues of jurisdiction, venue, and related concepts.

THE PARALEGAL HANDBOOK

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THE PARALEGAL HANDBOOK: OFFICE ORIENTATION AND ETHICS

THE LAW FIRM'S STRUCTURE AND PERSONNEL ORGANIZATION

Titles/Diversity

Partners

Attorney owners of the law firm who share in profits.

Associates

Attorneys who are salaried in a law firm.

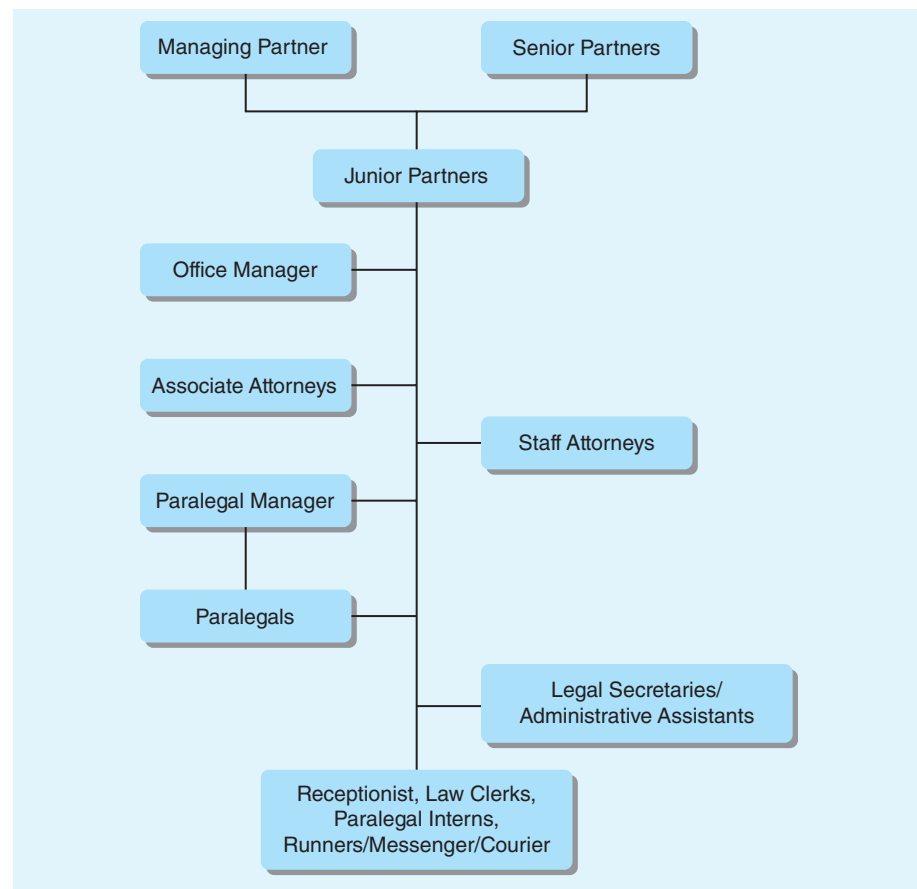
This firm is structured like many other law firms in the United States. **Partners** are the attorney-owners of the law firm and share in its profits. *Senior partners* are the partners who have been with the firm the longest and often have the greatest ownership share. Attorneys who have not yet become partners and are salaried are **associates**. More experienced associates are sometimes given the title *senior associate*. *Staff attorneys* are hired for economic reasons and, unlike associates, have no expectation of becoming partners. *Temporary or contract attorneys* may be hired for a limited period of time to address a brief expansion of the firm's workload. Some attorneys may have the designation *of counsel*, which means they maintain an advisory capacity or refer clients to the law firm (or do both).

Personnel other than lawyers include paralegals, paralegal managers, law clerks, and legal secretaries. *Paralegals* (also called legal assistants) are educated in legal skills and provide legal services under the supervision of an attorney, or as otherwise permitted by law. *Paralegal managers* (often experienced paralegals) administer paralegal hiring, training, and productivity. *Law clerks* work in the law office while completing their law degrees. Clerical, administrative, and computer services for the office are provided by *legal secretaries or administrative assistants*. Small law offices may have fewer levels of employees, and large firms can have legal administrators, litigation managers, investigators, errand runners, and receptionists. A relatively new addition to some law firms is the *nonlawyer manager/executive*. Akin to corporate chief operating officers, these employees often have executive authority for the firm's business policies and strategies, within the professional and ethical constraints of our state bar association. Our office structure is typical of the small or medium-sized firm and is illustrated in the office organization chart in Exhibit 1.1.

Diversity in our office personnel at all levels enriches our work environment, improves communication with an increasingly diverse clientele, and is good for business. A rapidly growing list of businesses and major corporations look to hire law firms with diverse personnel, including women and minority partners. Developing corresponding policies and benefits, such as better access for the physically challenged in accordance with the American with Disabilities Act ("ADA") plus child care, flex time, and family leave programs, is our goal.

The Changing Law Office: Our Practice and Future Goals

New technology and a global economy are offering both pressures and incentives for law offices to change their ways of doing business. Office executives face the challenge of keeping their firms competitive not only with firms across the courthouse square, but also with firms across the nation and world.

EXHIBIT 1.1 Office Organization Chart

multijurisdictional practices

The provision of legal services in states other than the one for which the attorney is licensed.

pro hac vice

Application by licensed attorneys to practice for a limited purpose in another jurisdiction where they are not licensed.

Seeking efficiency in both time and cost, increasingly sophisticated clients expect to access legal services through the Internet and even to bid online to set the cost of those services. **Multijurisdictional practices**, the provision of legal services in states other than the one for which the attorney is licensed, is fast becoming the norm. Predictors envision *multidisciplinary businesses* housing, for example, legal, accounting, real estate, engineering, or other departments in one firm. Although multidisciplinary practice is currently not permitted in most states, the realities of the e-world may force that change. The e-world also has led to law firm use of Web pages and informative *blogs* (Web logs—topical chronological journals) to serve clients and market legal services. As a member of this office, you will become an important part of our efforts to compete on a new and broader scale. Thus, one of your jobs as a paralegal will be to assist in determining the rules for practicing in a multijurisdictional world. Identifying the requirements, such as learning the steps for **pro hac vice** status in a state, will be important in your job responsibilities. Petitioning a court for *pro hac vice* status permits an attorney to practice law in a jurisdiction for which he or she is not licensed. Usually this status is limited on a case-by-case basis. Understanding the *pro hac vice* requirements in a particular state will assist the firm in fulfilling its ethical obligations and avoid the unauthorized practice of law.

The Work of the Firm: Our Specialties

This firm is primarily engaged in civil litigation. Our cases include the following:

Personal injury cases arise when an individual has been physically injured from the negligence (carelessness) of another—for example, an automobile accident or a slip-and-fall case. This type of case accounts for most of the litigation work we do.

Malpractice cases involve alleged acts of negligence on the part of physicians, counselors, lawyers, or other professionals.

Product liability cases belong to a special type of personal injury case in which the individual has been physically injured by a defective product, such as an exploding beverage bottle, adulterated food, or unsafe machinery.

Contracts cases involve one party having suffered a loss from the failure of another party to meet the terms of an agreement between them. A typical contract case could involve the failure to complete construction of a house, or the failure to pay once construction is complete.

Corporation cases are brought by one corporation against another for such incidents as trademark violation or industrial espionage.

Antitrust cases deal with individuals, government, or a business suing another business for harmful trade practices, such as price discrimination, unfair competition, or monopolization of a market.

Securities cases arise from disputes regarding the ownership, value, or other issues regarding stocks, bonds, certificates, and other documentation of financial property.

Civil rights cases involve an individual or the government suing another party for violation of rights guaranteed by federal and state law. A typical civil rights litigation might involve race, sex, disability, or age discrimination.

Intellectual property cases primarily encompass disputes over patents, copyrights, and trademarks.

The Role of the Paralegal: An Indispensable Team Member

The paralegal is an essential component in our delivery of legal services. You will spend the largest share of your time gathering and organizing factual information and drafting legal documents. You also will conduct legal research and investigation, assist at hearings and trials, oversee the timely scheduling and filing of matters, and help the office keep our clients informed as to the status of their cases. Unresponsiveness is among the most significant reasons a firm loses clients. Recently, our paralegals have begun to participate in case planning, client meetings, and firm marketing. Their familiarity with technology and the Internet makes them valuable to this firm's aggressive efforts to adapt to the e-world.

The firm bills clients directly for your services in the same manner we bill for the time of our attorneys. Court decisions, including the Supreme Court decision in *Missouri v. Jenkins*, 491 U.S. 274 (1989), confirm the legality and advantages of billing for paralegal time.