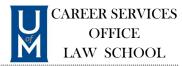
Civil Litigation



What is civil litigation?

- ♦ Civil litigation is the process that occurs when a lawsuit is filed seeking redress for a perceived injustice for which the law may potentially provide a remedy.
 - o Civil litigation is the pursuit or defense of court-ordered action when circumstances exist that justify one or more parties seeking intervention by judicial authority to remedy an alleged injustice.
 - o Civil litigation, as opposed to criminal litigation, concerns conflicts between individual parties, whereas criminal law involves the government, representing the people, or seeking prosecution for a crime.
- ♦ As a civil litigator, a lawyer directs a case's investigation, including review of discovery, taking depositions from witnesses, filing motions, and conducting trials.
 - o Civil litigators should be keen negotiators, who know how to guide a case toward favorable settlement, as trial is more costly in both time and money. Civil litigators must work well with individuals of different backgrounds: clients, expert witnesses, or opposing counsel.
- A civil litigator works toward the best outcome for his or her client, whether that means negotiating a favorable settlement or winning at trial.
 - o Most cases eventually achieve settlement. To secure a favorable settlement for their clients, civil litigators must prepare their cases as if they might all proceed to trial.
 - o If the parties cannot come to a resolution among themselves without judicial intervention, the parties proceed to trial for the dispute to be resolved either by judge or tribunal.

What kind of law do civil litigators practice?

<u>General practice vs. Specialization</u>: A general practitioner works across different areas of the law, working to serve the needs of their particular clients. Some attorneys specialize in a specific area of law. For instance, medical malpractice is a specialized category of tort law having unique standards of practice and procedure which distinguishes its practice from that of other tort law. Below is a non-exhaustive list of areas in which a civil litigator might specialize:

♦ Administrative Law

- **♦** Torts
- * Personal injury
 - * Medical malpractice
 - * Elder abuse
- * Premises liability
- * Civil rights violations

♦ Contracts

- * Business agreements
- * Construction contracts
- * Leases for personal and real property
- * Government contracts
- * Employment contracts

♦ Property

- * Wills and estates
- * Landlord-tenant
- * Foreclosures
- * Commercial Leases
- * Buying and selling real estate

♦ Family Law

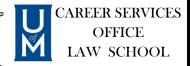
- * Divorce
- * Adoption
- * Child custody and support
- **♦** Labor Law
- Environmental Law

As a law student, what can I do to help prepare for a career in civil litigation?

- ♦ Take civil procedure, evidence, and trial advocacy.
- ♦ Participate in law review or other journal
- Work as an intern at a civil law firm or with a sole practitioner who does civil work
- ♦ Do moot court or mock trial
- Clerk for a judge

- ♦ Intern with organizations that handle civil cases
- ♦ Join bar associations to network and meet potential employers.
- ◆ Do research for a professor who studies an area of civil law
- Participate in clinic or in an externship

Resources for Civil Litigation



Ioin the American Bar Association's Tort Trial and Insurance Practice Section

- ◆ Joining a professional organization as a law student is a great way to network: http://www.americanbar.org/groups/tort_trial_insurance_practice.html
- This section of the ABA even has a site specifically for law students: http://abaforlawstudents.com/start-your-legal-career/practice-specialty-groups/tort-trial-insurance-law/

Get Your Certificate in Advocacy - Contact Professor Barbara Kritchevsky (bkrtchvs@memphis.edu)

- ♦ <u>Course Requirements</u>: A student must successfully complete at least 15 hours of advocacy courses. At least 2 hours of study must be in trial advocacy courses and 2 hours must be in appellate advocacy courses
- ♦ Non-class Requirements: Students seeking the certificate must also complete work outside the classroom, allowing them to gain invaluable experience and see advocacy in action. A student must complete 25 hours of non class work in the advocacy field. The student must complete at least 5 hours each semester. Students in the program must keep a log of their activities in accordance with the Director of Advocacy's guidelines and must attend one meeting each semester with other students enrolled in the Certificate of Advocacy program.
- ♦ <u>Grade Point Requirement</u>: To satisfy the requirements of the Certificate in Advocacy, each student must demonstrate a successful understanding of the fundamentals of advocacy by receiving a grade of at least a C and obtaining an overall GPA of at least 2.5 in the building-block courses of Legal Methods I and II, Civil Procedure I and II, Evidence and Professional Responsibility. Students must receive at least a 3.0 GPA in all courses taken to satisfy the certificate. To receive the certificate with honors, a student must complete the graded courses to satisfy the certificate with a GPA of 3.5 or higher and receive a grade of Excellent in at least two-thirds of the non-graded coursework taken to satisfy the certificate requirements.

Cecil C. Humphreys School of Law Travel Teams: Professors/Adjuncts to Contact

- ♦ NY Bar National Moot Court Competition—Professor Barbara Kritchevsky (Director of Advocacy)
- ♦ Wagner Labor Law Competition—Adjunct Professor and Attorney Tim Perkins
- ♦ ABA National Appellate Advocacy—Professor Barbara Kritchevsky (Director of Advocacy)
- ♦ ABA Mediation Competition—Attorney Stephen Shields
- ♦ Duberstein Bankruptcy Law Moot Court Competition—Adam Langley
- ♦ Frederick S. Douglass Moot Court Competition—Attorneys Andre Mathis and Will Perry
- ♦ Thurgood Marshall Mock Trial Competition—Attorneys Kenneth Walker and Will Perry
- ♦ National Mock Trial Competition—Professor Daniel Schaffzin and Attorney Brigid Welsh