



LEGAL

OFFICE

PROCEDURES

FOURTH EDITION

JOYCE MORTON

# **Legal Office Procedures**

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**Joyce Morton, Ed. D.**

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# Preface

The material in this book has been organized in a logical, step-by-step manner to provide you with the terminology, background, and knowledge of the legal procedures required to work in a law office. Overall, you will find the text is simple and concise, designed to assist students who have little or no background in the legal field. For practical applications, the Student Assignments at the end of the chapter provide you with relevant and interesting projects to complete that deal with the various areas of the law.

## ORGANIZATION OF EACH CHAPTER

The text follows a logical organization, with chapters building on each other and prior chapters. Each chapter provides an excellent learning experience and is organized as follows:

1. Objectives
2. Chapter text
3. Summary
4. Vocabulary
5. Student Assessment
6. Student Assignments

Objectives are listed at the beginning of each chapter that identify the material to be covered in that chapter. The chapter text reflects this organization and presents the material in an orderly manner. The summary reviews the material presented in the chapter, and the vocabulary provides definitions for the words highlighted in the chapter. The student assessment provides questions that evaluate the learning process and reinforce the student's understanding of the topic covered. The student assignments provide relevant and interesting learning activities that have been taken from a sample law office.

## ORGANIZATION OF THE TEXT

The sixteen chapters are organized into six main parts:

### ***Part 1 The Law Office***

Chapter 1 provides a background of the law office and those persons involved in its operation. Chapter 2 provides an overview of the duties required of the legal support staff. Chapter 3 provides information on the dramatic changes that have occurred in the law office as a result of advances in technology, software, and telecommunications. Chapter 4 discusses the preparation and formatting of legal correspondence.

**Part 2 General Information**

This section focuses on the history of the law in Chapter 5, providing some background on our present legal system, and Chapter 6 discusses the court structure and its influence on the legal environment.

**Part 3 Litigation Procedures**

Chapters 7, 8, and 9 deal with preparing legal documents and the procedures involved in the litigation process. This section covers the preparation of pleadings and other court papers used in civil matters, from the initial filing of a lawsuit through discovery, trial, and the appellate procedures.

**Part 4 Substantive Law**

Part 4 (Chapters 10 through 14) describes the other areas of the law, such as family; wills, trusts, and probate; business organizations; real estate; and criminal law. These chapters focus on increasing your knowledge of the law while providing activities that improve document processing skills and understanding of the procedural sequence. Actual legal cases that have been adapted into practice sets provide realistic training in these areas of the law.

**Part 5 Legal Research**

Chapter 15 provides information on the U.S. legal system and the sources for doing legal research. Activities provided at the end of the chapter make use of Internet search procedures that relate to the legal field.

**Part 6 Getting a Job**

Chapter 16 helps you to assess your strengths and weaknesses and outlines a guide to prepare for employment and develop a job search plan to achieve that goal. This chapter discusses sources for employment, suggestions for preparing a résumé, the letter of application, and follow-up procedures.

**FEATURES OF THE BOOK**

This book contains many features that will provide excellent information and training for the law office staff.

**Disk**

Documents have been recorded on the disk that is located in the pocket in the back of the book. This disk includes legal documents that you are not required to type, and that can be used in the completion of the various projects. Subdirectories have been created on the disk for Microsoft WORD 6.0 and WordPerfect 5.1. Files that have been created in Microsoft WORD are stored in the WORD6 subdirectory, and files that have been created in WordPerfect 5.1 are stored in the WP51 directory. These documents can be easily converted to other software programs used by most schools.

As you complete the projects, you are instructed to keyboard changes to the documents saved on the student's disk or create a new document, print a hard copy for the instructor, and save a copy to your disk. Simulation activities are presented for most chapters, that enables you to prepare documents in a "real life" office scenario using the legal skills for the document preparation in the chapter.

If a student's disk is damaged, a copy can be made from the instructor's disk or disks can be downloaded from the Prentice Hall Web Site at <http://www.prenhall.com>.

Use the search feature on the homepage to find the listing by title, *Legal Office Procedures, Fourth Edition*, or by author *Joyce Morton*, to find the link to download the information for the student data disk.

## Practice Sets

The practice sets at the end of selected chapters are prepared in conjunction with the text and provide you with practical experience in performing the actual work involved in preparing a client's case. These projects provide you with information relating to various areas of the law, as well as the manner and sequence in which these papers are prepared.

1. Personal Injury
2. Adoption (Independent)
3. Probate (Testate)
4. Corporation
5. Unlawful Detainer (Eviction of a Tenant)
6. Criminal Law

The practice sets are actual court cases in which the names, dates, and circumstances of the case have been changed somewhat to make them suitable for student use. Cases have been selected from areas of the law that would most frequently occur in the law office and with which the legal office support staff would most often come into contact.

## Internet Legal Research

The legal research chapter contains end-of-chapter projects that require you to use the search engines of the Internet to find information relating to the law. With the many advances taking place in technology, you will find this to be an interesting and relevant exercise.

## Illustrations

The book contains illustrations of legal forms relating to each section of the law. They are presented in the sequence in which they would be used in the preparation of the case. While it is impossible to include all the forms, a good sample has been selected to represent the various areas of the law and the procedures covered by each chapter.

## Photographs

Many of the law office pictures included in this book were taken at the Graham & James law firm in Costa Mesa, California. The models in the pictures are attorneys, legal office administrators, and the legal support staff. Some of the staff members are former students of the author who have made careers in the legal field. Special acknowledgment should be given to this staff for allowing us to provide the text with pictures of actual law office situations.

## **Instructor's Manual**

This manual provides teaching suggestions as well as the answers to the Student Assessments (Chapter Tests) and a final exam. Hard copy samples of the hands-on Student Assignments (Projects) are also included.

## **RELEVANT LEARNING EXPERIENCES**

The materials presented in this book have been designed to provide you with relevant and interesting learning experiences on the most current materials available. You must understand, however, that legal procedures, filing fees, and the format of documents and their captions and headings will vary from state to state and jurisdiction to jurisdiction. You should be able to adapt to the procedures used and preferred by your particular office. Also, legal procedures and laws change regularly, and it is important that you and your attorney stay abreast of these constant changes.

While this book will give you the necessary background to work as a law office support trainee, each area of the law is vast and complex. It is impossible to cover every case or procedure that you may encounter in a law office, and it is this variety that makes legal work so interesting. After completing this book, you may find that certain areas of the law are particularly attractive to you, and these may be the areas in which you will want to specialize. You may obtain this specialization through employment and experience, or you may want to obtain additional training and education.

## **SUMMARY**

This book introduces you to the career of a legal office assistant. It presents basic legal concepts and the various fields of law and outlines the preparation of documents commonly used in these fields. After completing this book, you should be able to select documents appropriate for a particular situation, identify the information necessary to complete the documents, and prepare the documents correctly.

## **ACKNOWLEDGMENTS**

I wish to thank Anne L. Stevenson with the legal firm of Kenneth A. Roberts & Associates, Attorneys at Law, Irvine, California. Anne is a former student whose support, knowledge, and law office experience have been very important and significant in the preparation and organization of this book.

Special thanks go to Sharon A. Owen, Administrative Manager with Graham & James LLP, Costa Mesa, California, for her help in allowing us to photograph the staff and offices of an actual law firm in Orange County for many of the photographs used in this textbook.

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The Law Office

## **Chapter 2**

Office Duties

## **Chapter 3**

Computers and Office Systems

## **Chapter 4**

Preparing Legal Correspondence



# 1

## The Law Office

### OBJECTIVES

Upon completion of this chapter, you should be able to:

1. Briefly describe how law offices may vary in size
2. Discuss the different types of law that may be practiced
3. Discuss desirable personal qualities of the law office staff
4. Describe the different professions and careers represented in the law office
5. State desirable ethical and human relations qualities required of support staff
6. Discuss the associations that support law office professionals
7. Demonstrate an understanding of law office terminology

Law offices vary in size from a single office with one attorney and one full- or part-time **support person** to a suite of offices with many attorneys and support personnel. Also, two attorneys with their own private practices often share a reception room and the services of one support person or secretary between them.

When a law firm is organized as a partnership, it generally does a larger volume of business than a one-attorney office. This type of practice may be composed of the partners, law clerks, legal assistants or paralegals, legal secretaries, support personnel, bookkeepers, file clerks, and a receptionist.

Some law firms may have both senior and junior partners, associates (attorneys who are not partners), senior law students (sometimes called law clerks), who usually do library research or assist with the preparation of the briefs, the support staff (which may include legal assistants, legal secretaries, and a receptionist), a bookkeeper or accountant, and a law office manager. In smaller offices, a secretary or support person, in cooperation with the attorney, may be responsible for all the duties performed by a larger staff.

Law firms vary in size and organization. They may be organized as a sole proprietorship, partnership, limited liability company (LLC), or professional corporation. An LLC is a combination of the partnership and the corporation. The main advantage of the LLC is that it allows for limited personal liability for company debts (like a corporation), but it is treated like a partnership for income tax purposes. An incorporated law firm may be a single individual or have a large staff and facilities. An incorporated law firm is patterned more like a corporation, while a partnership operates on the basis of the agreement signed by the partners.

Law offices may also be classified according to the type of law practiced by the firm. For example, a law office specializing in probate work may require a different staff than an office that specializes in criminal work. Much of the probate work can be done by a qualified support person, legal secretary, or legal assistant, whereas a criminal practice requires more time and preparation on the part of the attorney in court appearances and trial work. There are many special areas of the law, for example, personal injury, domestic and family, corporation, wills and probate, estate man-



agement, patent, maritime, and international. Each area of law has different personnel requirements.

As a prospective support person, you may want to ask yourself these questions:

- Do I want to work for a large or small firm?
- In what areas of the law do I want to specialize?
- What responsibilities in a legal office would I like to have, and what duties am I qualified to perform?

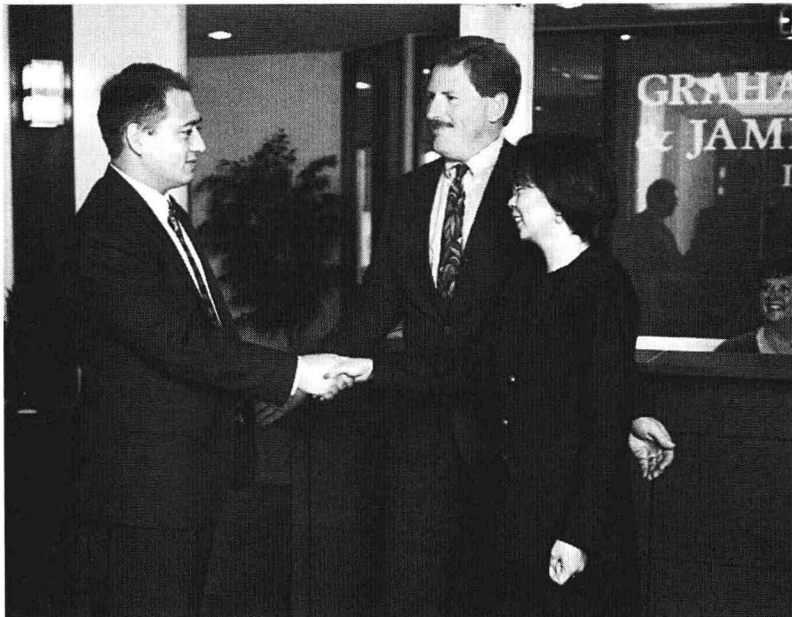


## HUMAN RELATIONS IN THE LAW OFFICE

A very important aspect of any office, and especially a law office, is human relations. The relationships among the attorney, client, and support staff are very special. Since law is a profession that is concerned with helping others to solve their problems, most people who come to a law office need assistance. The welfare of the client is of primary concern to the attorney and other members of the staff. Law is a helping profession, and the client—be it an individual, business, or corporation—is seeking the help, advice, and counsel of the attorney.

### Reception

Clients are usually referred to a law practice by other clients or friends. The first person a prospective client meets in the law office is usually the receptionist or support person. The manner in which clients are greeted is a reflection of the attorney and the professional atmosphere of the law office. Support staff should be pleasant, dignified, and courteous in their relationships with clients and outside visitors.



**FIGURE 1-1** First impressions can be very important to prospective clients.





**FIGURE 1-2** Law office reception areas can be very attractive.



**FIGURE 1-3** Information relating to the client's case needs to be discussed.



## **CONFIDENTIAL RELATIONSHIPS**

Support staff must use discretion in their relationships with clients. They can listen sympathetically to clients' problems and concerns, but they are not authorized to give opinions or legal advice. Oral and written communications between the attorney and client in the course of working in a law office should be kept in the strictest confidence. The attorney's representation of a client is confidential in nature and should not be discussed socially or outside the law office.



**FIGURE 1-4** Information relating to the client is confidential and should not be discussed outside the office.

## Privileged Communications

Privileged communication exists between the client and the attorney. Privileged communication also exists between the attorney and support staff. Information relating to the client received through the performance of a job in the law office is also considered privileged communication. Law office support staff cannot be called on to testify in court concerning information learned about clients.

## THE ATTORNEY

The words attorney and lawyer are commonly used to designate those who practice law. The attorney has probably spent four years in college as a prelaw major and then three years in a public or private law school. In order to receive a license to practice law in a given state, prospective lawyers must pass the state bar exam. When they pass the exam and receive their licenses, they are admitted to the bar. (The term *bar* comes from the phrase *bar of justice*, and *barrister* is the term used in England to denote someone who has passed the bar.)

Some attorneys take the bar in more than one state so that they can practice in states other than the one in which they live. Many attorneys continue their education and specialize in a particular field or area of law. After passing the bar, an attorney may want to become an accountant in order to specialize in tax law. Another attorney might decide to go on to medical school and specialize in medical malpractice or personal injury. While it is not required that attorneys practicing in these specialized areas attend other professional schools, many feel that the knowledge acquired as a result of this education will improve their skills in the practice of law.

Because the laws are constantly changing, attorneys need to keep informed of these changes. They may do this by attending legal seminars, professional meetings, and conferences; through subscriptions to legal newspapers and journals; and by keeping their law libraries current with the addition of the legal supplements.



**FIGURE 1-5** Preparing cases for trial is an important responsibility of the attorney.

Some states may mandate that an attorney keep current on the law, and this may be done through a subgroup called **Continuing Legal Education** or **CLE**. These subgroups conduct seminars and publish books and videotapes regarding changes in the law. Attorneys can also gain professional information and association by belonging to organizations that relate to the legal profession, such as the American Bar Association or their own state or local bar association.

Although in the past attorneys were usually men, today's law offices may have an equal number of women practicing law. Equal opportunities for men and women



**FIGURE 1-6** Attorneys spend a good part of their time on the telephone.

abound in the legal field today. There are opportunities for both men and women who may want to pursue their education to become paralegals or legal assistants, court reporters, or attorneys.

## Professional Associations

While many local and state bar associations are available to the attorney, the national bar association is the ABA:

American Bar Association  
750 North Lakeshore Drive  
Chicago, Illinois 60611-4497

## THE LEGAL ADMINISTRATOR

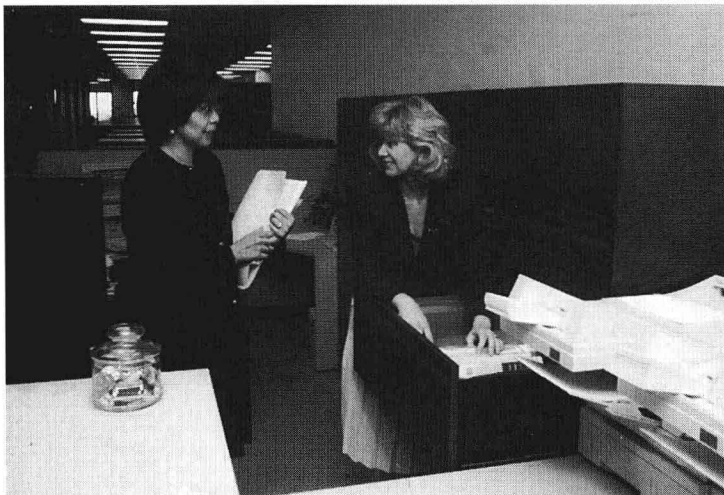
Many law offices now have full- or part-time office administrators. The responsibilities of the job depend on the size and complexity of the law office. The duties of the job may include one or more of the following categories: personnel, finance, facilities, and equipment.

### Personnel

The administrator is usually important in the selection, evaluation, and termination of nonlawyer personnel. Administrators are responsible for assigning work and maximizing the resources of the support staff. Administrators implement standard operating procedures and usually mediate employee conflicts. The administrator also manages employee benefit matters, such as a tax savings plan and health benefits.

### Finance

An administrator may also be responsible for overseeing the firm's day-to-day billing, collections, and other financial operations. An administrator may supervise or prepare budgets and financial and accounting statements.



**FIGURE 1-7** Delegation of responsibility is important.