

SECOND EDITION

# LEGAL SECRETARIAL PROCEDURES

JOYCE MORTON

# Legal Secretarial Procedures

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SECOND EDITION

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*Fullerton College*



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Legal  
Secretarial  
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## DEDICATION

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*To my husband, Robert,  
whose support and encouragement  
have made the writing of these pages possible.*

# TO THE STUDENT

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The material in this book has been organized in a logical, step-by-step way to provide you with the terminology, background, and knowledge of legal procedures that you will need to work in a law office. Overall, the text is simple and concise, designed to assist students who have little or no background in the legal secretarial area.

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## **ORGANIZATION OF MATERIAL**

Chapter 1, “The Law Office,” gives you background on the law office and those persons involved in its operation. Chapter 2, “Office Duties,” provides an overview of the responsibilities of the legal secretary.

Chapter 3, “History of Law,” is meant to introduce and provide background to a very complex field. This chapter will give you a greater understanding and appreciation of our legal system and the historical implication of the law in our society. Chapter 4, on the court structure, provides additional information on the organization of the courts, while the next chapter, which is about legal research, contains background information on the law library and the type of books and periodicals that should be included in the attorney’s library.

Chapter 6, “The Lawsuit,” really gets to the heart of the course. It includes easy-to-comprehend instructions and examples of how to prepare legal documents and forms. The practice sets at the end of the text supplement this chapter and are essential to the overall comprehension of litigation procedures and the practice of law.

Chapter 7 deals with family law, divorce, and adoptions. A section on the legislation concerning “no fault” divorce laws in California is also included, as well as a glossary of the terms associated with this law.

Chapter 8, “Wills and Probate,” Chapter 9, “Corporations,” Chapter 10, “Real Estate,” and Chapter 11, “Criminal Law,” deal with the areas of the law commonly handled by the majority of the law offices. Each of these areas is so vast that many law schools offer individual courses in each one. These chapters provide the general information that a legal secretary needs to have. Practice sets relevant to most of these chapters are provided which emphasize the various legal forms and procedures used in these cases.

Chapter 12, “Getting a Job,” outlines a practical approach for the student seeking employment. It discusses sources for employment; provides hints on preparing a résumé; and includes a sample résumé, letter of application, and follow-up thank-you letter. The last few pages include some do’s and don’ts for success on the job. This chapter is really the frosting on the cake with respect to the successful completion of the course.

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## **PRACTICE SETS**

The practice sets, prepared in conjunction with the text, provide you with practical experience in performing the actual secretarial work involved in preparing a client’s case. The instructions and forms necessary for the practice sets are in-

cluded in the back section of this text on perforated pages. The practice sets cover the following types of cases:

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

Your instructor has the key to the practice sets and will provide you with instruction on their preparation.

The practice sets are actual court cases in which the names, dates, and circumstances of the case have sometimes been changed somewhat to make them suitable for student use. Cases have been selected from areas of the law which would most frequently arise in a law office and with which the legal secretary would most often come into contact. By performing the work required in the practice sets, you will become familiar with the forms and documents that are used in the law office and their sequence of preparation. The sets will give you the opportunity to use legal terminology and format while actually performing the duties and preparing the papers required in legal cases.

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**VOCABULARY** At the end of each chapter is a vocabulary list of the words used in that chapter and their definitions. Knowing the meaning of these terms will reinforce your learning. A blank line is printed to the left of the vocabulary words for shorthand students who may want to fill in their shorthand outlines.

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**ILLUSTRATIONS** The book contains a number of 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 all forms have not been included, a good sample has been selected to represent the various areas of the law and the procedures covered by that chapter.

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**PHOTOGRAPHS** Many of the law office pictures included in this book were taken at Gering & Associates law firm in Newport Beach, California. The models in the pictures are attorneys, secretaries, and the legal administrator employed by this firm, as well as legal secretarial students. Some of the secretaries photographed are former students of the author who have made the legal secretarial field their career. Special acknowledgment should go to the cooperation of this staff in enabling us to provide the text with pictures of actual law office situations.

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**RELEVANT  
LEARNING  
EXPERIENCES** The text, practice sets, legal forms, and tests used in this program have been designed to give you relevant and meaningful experiences with the best and most current materials available. You must understand, however, that legal procedures, filing fees, and the format of documents and their 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.

Not only do legal procedures vary according to geographical location, but attorneys in the same law firm may use different formats and legal styles. While most of the legal procedures and practice sets in this program are from California, you will find that most of the procedures and concepts described here are similar to those used in most states.

While *Legal Secretarial Procedures*, 2nd edition, will give you the necessary background to work as a legal secretarial trainee, each area of the law is vast and complex. It is virtually impossible to cover every case or procedure you may encounter in a law office, and it is this variety that makes legal work so interesting. After completing this program you may find that certain areas of the law are particularly attractive to you, and these may be the areas in which you want to specialize. You may obtain this specialization through employment and experience, or you may want to obtain additional training and education to prepare you for this specialization.

We wish you success in your learning experiences and hope that you will find the legal secretarial profession to be as exciting and interesting as do the capable and competent secretaries who presently staff today's law offices.

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#### **ACKNOWLEDGMENTS**

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# 1 The Law Office

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Law offices vary in size from a single office with one attorney and one full- or part-time secretary to a suite of offices with many attorneys and secretaries. Also, it often happens that two attorneys with their own private practices share a reception room and the services of one 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, bookkeepers, file clerks, and a receptionist.

Some law firms may have both senior and junior partners, senior law students (sometimes called law clerks) who usually do library research or assist with the preparation of the briefs, the secretarial staff (which may include legal secretaries, legal secretarial trainees, a receptionist), a bookkeeper or accountant, and a law office manager. In smaller offices, a secretary, in cooperation with the attorney, may be responsible for all of the duties performed by a larger staff.

An incorporated law firm also has a larger staff and facilities and does a larger volume of business than the single-attorney office. 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 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 law, domestic and family law, corporation law, wills and probate,

**FIGURE 1-1**

The legal secretary may be the first person to greet the client



estate management, patent law, maritime law, and international law—and each has different personnel requirements.

As a prospective legal secretary, you may want to ask yourself these questions:

- Do I want to work for a large or small firm?
- What areas of the law do I want to specialize in?
- 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 legal secretary are very special. Since law is a profession that is concerned with helping others 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, legal secretary, 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 legal secretary. The manner in which they greet clients is a reflection of the attorney and the professional atmosphere of the law office. Legal secretaries should be pleasant, dignified, and courteous in their relationships with clients and outside visitors.

**FIGURE 1-2**  
Proper introductions  
are important in the  
law office



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**CONFIDENTIAL  
RELATIONSHIPS**

Legal secretaries must use discretion in their relationships with clients. They can listen sympathetically to their 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.

---

**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 license, 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 the 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 another professional school, many feel that the

**FIGURE 1-3**

Attorneys spend a good part of their time on the telephone



knowledge acquired as a result of this education will improve their skill 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, subscribing to legal newspapers and journals, and keeping their law library current with the addition of the legal supplements. They 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.

It is worth noting that although in the past attorneys were usually men, more and more women have entered the legal profession. Opportunities for women abound in the legal field today, and they may want to pursue their education to become paralegals or legal assistants, court reporters, or attorneys.

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#### **LEGAL ASSISTANTS**

There is a current trend for lawyers to employ nonlawyer assistants, called **legal assistants** or **paralegals**. Legal assistants are often experienced legal secretaries who have been trained and specialize in a certain area. The legal assistant's duties can include interviewing, legal research, case preparation, interrogatories (written questions), probate (proving a will), and office management.

This is a comparatively new field, and day and evening courses have been developed along with the requirements for licensing and certification of legal assistants. Legal secretaries interested in pursuing a career as a legal assistant can check with local community colleges, universities, and private schools concerning programs and courses that are available.

Legal assistants work under the supervision of the attorney, and they are not



authorized to give legal advice. Survey the job possibilities in your area before you take the specialized courses to become certified. If you are working in a law office, ask your attorney or firm if you will be given the duties and responsibilities as well as the financial consideration after completing the specialized training.

### THE LEGAL SECRETARY

The functions of the **legal secretary** are many and varied. The competent, qualified legal secretary is an essential component in the operation of the exacting work of the law office. Basically legal secretaries provide assistance to the attorney or attorneys for whom they work. (For a matter of convenience we refer to the term *legal secretary* as “she” in this text, but men are entering the field with increasing frequency—just as more and more women are becoming attorneys.)

The first person to greet the client entering a law office may be the receptionist or legal secretary. As first impressions are often lasting impressions, it is important that the legal secretary or receptionist be professional, thoughtful, considerate, and courteous in manner. They should exercise tact in their contacts with clients and should treat them with courtesy and consideration.

Although the duties of the legal secretary vary considerably according to the type of office she works in, all legal secretaries should be able to perform the following functions:

1. Act as a receptionist
2. Keyboard accurately and efficiently
3. Use word processing and computerized equipment
4. Maintain office records and files
5. Handle and place telephone calls
6. Take dictation, either manually or mechanically
7. Transcribe dictation accurately

**FIGURE 1-4** The legal secretary should be professional in working relationships and appearance



**FIGURE 1-5**

Purchasing and maintaining office supplies is important to the smooth operation of the law office



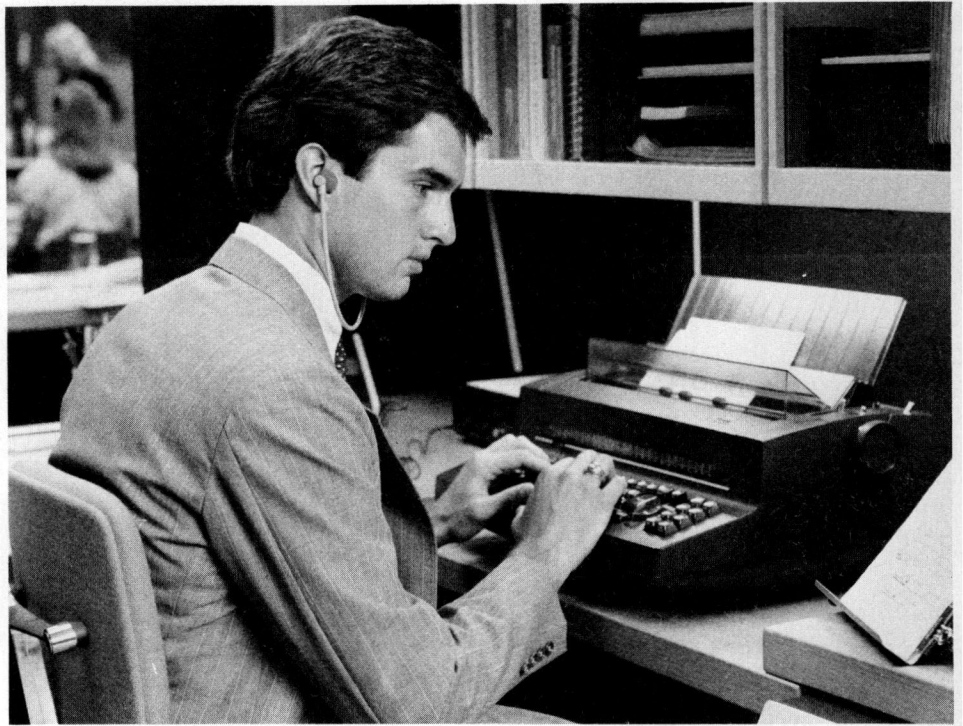
8. Prepare clients' fees and statements
9. Handle and sort mail
10. Maintain office and court calendars
11. Purchase and maintain office supplies
12. Keep the law library current
13. Arrange meetings and conferences
14. Assist the attorney as needed for the smooth operation of the office

**FIGURE 1-5A**

Arranging meetings and conferences is an important responsibility of the legal secretary



**FIGURE 1-6**  
Accurate  
transcribing and  
proofreading skills are  
required for the  
competent legal  
secretary



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**PERSONAL  
QUALIFICATIONS**

In addition to performing the preceding functions, a good legal secretary should possess the personal qualities described below.

**Attitude** As indicated before, the role played by the legal secretary in the attorney-client relationship is an important one. An empathy and understanding of clients and their problems can do much to improve the client's relationship with the law office. Even though legal secretaries may not give legal advice, their ability to *listen* can contribute to the human relations of the office and the success of the attorney. Good legal secretaries get along well with the attorneys and the other members of the office staff. They are considerate of others and courteous and thoughtful in these relationships.

The ability to get along with others, neatness in personal appearance and work habits, willingness to learn and grow on the job, and a friendly smile for clients are all important attributes of the legal secretary.

**Discretion** Another important quality of a legal secretary is the ability to exercise good judgment and discretion. Because of the confidential nature of the attorney-client relationship, all business matters in the law office must be considered confidential. As a general rule, the only person who should discuss the case with the client is the attorney.

**Loyalty** A sense of dedication to the position and a desire to do the best job possible are important attributes of a good legal secretary. Loyalty to his or her employer and the employer's clients is equally important. If excessive demands are made, he or she should be able to communicate feelings to the attorney and keep the lines of communication open. The legal secretary should be helpful in assisting the attorney in identifying solutions to problems, as well as identifying the problems.