



What Do Lawyers Do?

**Just Comment Column by Judge Curtis Karnow
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In the United States, lawyers have usually graduated from college and then gone to a three-year law school before they can become lawyers. They have usually also passed a test called the *bar exam*, which tests their understanding about the law. Finally, people who want to be lawyers must be 'morally fit' to be a lawyer: people with past convictions for crimes may not be able to fulfill this requirement.



If all these requirements are met, the prospective lawyer takes an oath and becomes, as we say, a *member of the bar*. That means the person is a licensed lawyer, and is authorized to practice law. Only licensed lawyers can give legal advice, and act as lawyers in court. (The one exception is when a person does not have a lawyer, and represents himself. This is allowed.) It is a crime to practice law unless one is actually a member of the bar, unless one has actually been licensed. It's interesting to note that judges are not members of the bar—so judges cannot give anyone legal advice!

After one has become a lawyer, there is a wide variety of types of work they may do. From just watching television and movies, we might think that all lawyers go to court, and argue cases in front of judges and juries. This isn't true. Many lawyers work in offices, meeting with clients, researching legal issues, and writing. People hire lawyers because they want to follow the law, and because they want to avoid getting sued in court. They hire lawyers when, for example, they are about to enter a contract and they want to make sure the contract is enforceable in court. They hire lawyers to help them understand the legal requirements in dealing with a governmental agency, or how to comply with the many laws we have, such as those that tell companies how to treat their employees, or environmental laws that regulate the sort of smoke or liquids a company can put into the air or nearby rivers.



Lawyers usually work in one of four kinds of offices.

Some lawyers are hired by a company, and just work for that one client. They advise that one client on various issues, depending on what kind of business the client is involved in.

Other lawyers work for a government, such as a city, or a state, or the federal government. In criminal cases, they might be prosecutors or defense attorneys.



Many lawyers are in what we call 'private practice,' where they have many different clients. In private practice, a lawyer might be the only lawyer in her offices, or she might have partners - a few, or hundreds of them, with offices in one location or perhaps in many offices around the world. Other lawyers work for organizations that are devoted to a certain kind of service, such as clinics that offer free or low rate services to the poor, or to tenants about to be evicted

from their apartments, and so on.

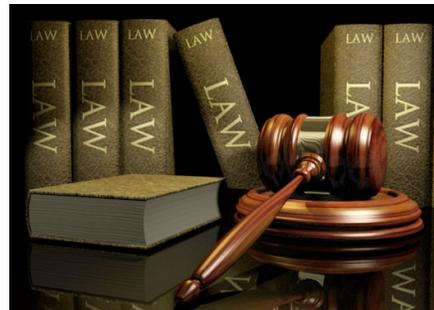
Any of these lawyers may have a wide variety of specialties. Some of them might go to court, many will not. Here's an outline of the some of the areas in which lawyers develop expertise (many lawyers have more than one area of expertise).

- **Antitrust Law.** There are laws that regulate fair competition, for example, laws that prohibit companies from making secret agreements to fix prices. Companies hurt by anticompetitive behavior can sue those who engage in it. Lawyers tell clients how to avoid breaking these laws.
- **Business Law.** Companies make agreements all the time, and they need lawyers to draft and negotiate these agreements, and lawyers to sue when the agreements are broken.
- **Criminal Law.** People who are charged with crimes ("defendants") need lawyers to defend them, and the government needs lawyers to handle the prosecutions against the defendants.
- **Dispute Resolution.** Some lawyers specialize in out of court dispute resolution. They act as mediators, trying to get people to agree on a solution, or they are arbitrators, who are essentially private judges who decide cases, holding their hearings in offices instead of the courthouse.
- **Environment and Energy Law.** These lawyers handle contracts and disagreements in the coal, natural gas, and oil industries, and work with (and sometimes against) governmental regulators.
- **Family Law.** In this area lawyers help families that are going through divorces. These lawyers try to negotiate issues (or argue on the issues in court) about dividing the family property and money, and responsibilities for children.
- **Immigration Law.** Immigration lawyers help people who are not citizens of the United States in applying for entry into the country, the papers needed to stay in the country legally. They also help people become citizens.
- **Intellectual Property Law.** Intellectual property includes patents, trademarks, trade secrets, and copyrights.

- Patent lawyers draft descriptions of inventions (perhaps a new kind of water pump, or engine, or other useful product), and get the U.S. Patent Office in Washington DC to approve the patent as something which really is new. If so, then the patent holder owns the invention, and can get money from others who want to make the invention (or the patent holder can make the invention herself, and stop others from doing so.)
- Trademarks are symbols, like the big yellow “M” arches for McDonalds, or the “Just Do It” tag line for Nike shoes, or the scripted words “Coca-Cola” for that soda drink. The owners of trademarks can register their marks with the government. This prevents other people from using the marks in a confusing way—for example, from using the marks on fake products.
- Trade secrets are secrets about how to do something, or secret ingredients, that give a company an advantage over other companies. An owner of a trade secret may be able to stop others from making it public.
- Copyrights apply to things people write, create, or design, such as songs, poems, novels, video games, plays, movies, and other art. Others usually cannot copy these creations without permission.

Intellectual property lawyers help people protect their rights by filing the right kind of papers with the government, and suing others who violate the rights. Sometime these lawyers also specialize in an industry, such as music, or video games, or other computer software or hardware.

- **Labor and Employment Law.** These lawyers handle relationships, agreements and disputes between employers and employees, and groups of employees known as “unions” which negotiate with corporations for pay, and other aspects of their employment such as workplace health and safety and retirement programs.
- **Real Estate Law.** These lawyer spend their time on the purchase and sale of land and buildings. They work for the variety of people and companies involved, such as sellers and buyers, and the banks that loan money to allow people to buy property.
- **Trust and Estate Law.** These lawyers help people make wills, and they also draft documents to create “trusts” which are legal entities that can own property. These lawyers also litigate in court related to problems that arise under the wording of wills and trusts.
- **Tax Law.** Tax lawyers help people with their taxes, and design legal ways to minimize taxes. Sometimes they handle lawsuits in which the government wants more taxes paid and the taxpayer denies that he owes any more taxes.



- **Tort Law.** Sometimes people are injured on the job, in car accidents, during a medical procedure, or as the result of exposure to drugs, chemicals, asbestos, or other dangerous items. If so, they may hire a tort lawyer to take their case, to sue the people responsible for the injury. These lawyers spend a lot of time in court.

This is just a small sampling of the types of work lawyers do. Lawyers are advocates, and they are expected to vigorously protect their clients, and to do whatever they legally can to help their clients. At the same time, all lawyers are “officers of the Court,” which means that, no matter what, they have to be honest and forthcoming with the judge, may never try to mislead the judge, and may never try to hide evidence when there is an obligation to reveal it. Lawyers’ first and highest responsibility is to the preservation and integrity of the legal system.

Key Vocabulary

Word	Meaning
Bar exam	The bar exam is a test, usually taking two or more days to complete, about legal principles and the laws of a state in the U.S. When it is taken and passed a person who wants to be an attorney in that state may be granted a license to practice law.
Client	A client is a person who hires (retains) an attorney to represent him or her in any legal business; to assist, to counsel, and to defend the individual in legal proceedings; and to appear on his or her behalf in court.
Defendant	A defendant is the party (person or group) sued in a civil lawsuit or the party charged with a crime in a criminal case.
Dispute	A dispute is a conflict or controversy over claims or rights. There is a stated right, claim, or demand on one side, met by an opposing claim or statement of belief on the other.
Intellectual property	Intellectual property describes a wide variety of property created by musicians, authors, artists, and inventors.
Member of the bar	A member of the bar means a person is a licensed lawyer, and is authorized to practice law in that state or territory.
Prosecution	In criminal law, the prosecution is the government attorney charging and trying the case against a person accused of a crime.
Tort	A tort is an act of wrong or failure to perform a legal or civil duty.

Online Lessons to Support What Do Lawyers Do?

Elementary School – *Grades 3 and up*

Graffiti on Trial – This unit focuses on the third grade social studies standards, which require students to understand the role of rules and laws in our daily lives and the basic structure of the U.S. government, and involves students in a simple mock trial with attorneys. <http://www.courts.ca.gov/5174.htm>

Going to Law School – This excerpt from the People v. A Wolf, is a short focus activity that provides students with some background on the role of attorneys, the Constitution, Bill of Rights and the jury. <http://crf-usa.org/cateach/elementary>

Middle School

Gideon v. Wainright – a lesson from Street Law about a landmark case involving the constitutional right to counsel; it includes an exploration of the role of an attorney. Materials can be selected by students' reading level. http://www.streetlaw.org/en/landmark/cases/gideon_v_wainwright

High School

Gideon v. Wainright – a lesson from Street Law focused on this landmark case about the constitutional right to counsel, which includes a lesson on the role of an attorney. Materials can be selected by students' reading level. http://www.streetlaw.org/en/landmark/cases/gideon_v_wainwright

Key Constitutional Concepts: The Right to Counsel –This lesson and video set from the Annenberg Classroom begins with students considering the need for an attorney in a criminal trial, followed by an examination of the rights contained in the Sixth Amendment, and the Gideon v. Wainright landmark case. <http://www.annenbergclassroom.org/page/key-constitutional-concepts>

Other Resources

iCivics: Argument Wars, Pocket Law Firm and other animated on-line games, engage students in fun and education games in which they are the attorney. <http://www.icivics.org/>

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