

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.**
 - 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.
 - 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.**
 - 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.**
 - 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.
 - 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?

General practice vs. Specialization: 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:

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| ◆ Administrative Law | ◆ Contracts | ◆ Property | ◆ Family Law |
| ◆ Torts | * Business agreements | * Wills and estates | * Divorce |
| * Personal injury | * Construction contracts | * Landlord-tenant | * Adoption |
| * Medical malpractice | * Leases for personal and real property | * Foreclosures | * Child custody and support |
| * Elder abuse | * Government contracts | * Commercial Leases | ◆ Labor Law |
| * Premises liability | * Employment contracts | * Buying and selling real estate | ◆ Environmental Law |
| * Civil rights violations | | | |

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

Join 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)

- ◆ Course Requirements: 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.
- ◆ Grade Point Requirement: 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