A day in the life of an employment lawyer

District of Columbia Bar Association
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Roadmap

• Different types of employment law practice areas

• Law practice management: the nuts and bolts of running a firm

• Marketing

• Intake do’s and don’ts

• Risk mitigation
Employment law practice areas
Different employment law practice areas

• Represent plaintiff, defendant, or combination

• Litigation versus counseling/negotiating

• Discrimination, sex harassment, leave (FMLA/ADA) whistleblower retaliation, severance and employment agreements, wage payment, non-competes, NDAs, whistleblower rewards, etc.

• Specialization and the advantage of focusing on particular types of claims

• Class action work

• Complex maze of federal and state remedies
Law practice management
Law practice management

• Basic technological necessities
  • Case management/billing software (CLIO, etc.)
  • Multiple data back up systems
  • Secure email, e.g., two-factor authentication
  • Scanner
  • Website
Law practice management, cont’d

• Economics of running a firm
  • Overhead (office, salaries, marketing, etc.)
  • Types of fee arrangements (hourly, contingency, hybrid)
• Right volume of cases
• Handling the peaks and valleys
• Financing cases
Law practice management, cont’d

• Representation agreements

  • Hourly, contingency, hybrid

  • Limiting scope of representation, e.g., different phases of the process

  • Require a retainer for litigation costs
Marketing
Marketing 101

- Website (SEO, content marketing, AMP, FAQs, videos, etc.)

- Blogging and social media
  - [https://www.glassceilingdiscriminationlawyer.com](https://www.glassceilingdiscriminationlawyer.com)

- Speaking engagements, bar associations, & networking events

- Eguides/ebooks
  - [Shattering the Glass Ceiling: Tips for Combatting Promotion Discrimination](https://www.glassceilingdiscriminationlawyer.com)

- Media

- Paid advertising
Case intake – the basics
Intake do’s and don’ts

• Intake is lifeblood of the firm

• Understand the potential client’s mindset/show empathy

• First impression of firm is important

• Talking about initial call, not paid consultation
DO:

• Have a standard intake form
• Respond to call or email ASAP
• Give short roadmap of what call will cover
• Get necessary information, but also listen carefully
• Make prompt decision to decline or perform investigation
• Get enough information to see if follow up is warranted
• Create an informal referral network with other law firms
Intake do’s and don’ts, cont’d

DON’T:

• Be rude or unprofessional

• Give legal advice prior to entering into an attorney-client relationship

• Overpromise

• Spend too long on initial call (considering a case for litigation will likely entail lengthy interviews of the prospective client)
Risk mitigation
Risk mitigation

• Malpractice insurance

• Calendaring deadlines and statutes of limitations

• Spotting ethics issues and promptly seeking and documenting advice

• Screening cases, e.g., asking in intake form about issues that opposing counsel will likely uncover

• IOLTA accounting
Helpful resources

• National Employment Lawyers Association (NELA) (www.nela.org)

• DC Bar Practice Management Advisory Service (https://www.dcbar.org/bar-resources/practice-management-advisory-service/)

• American Bar Association Section of Labor and Employment (https://www.americanbar.org/groups/labor_law.html)
THANK YOU!

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