A day in the life of an employment lawyer

District of Columbia Bar Association April 19, 2018

Eric Bachman & Jason Zuckerman, Zuckerman Law

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

- 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

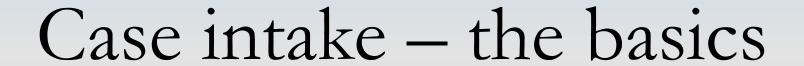
Law practice management, cont'd

- Representation agreements
 - Hourly, contingency, hybrid
 - Limiting scope of representation, e.g., different phases of the process
 - Require a retainer for litigation costs



Marketing 101

- Website (SEO, content marketing, AMP, faqs, videos, etc.)
 - https://www.zuckermanlaw.com/external-videos/frequently-asked-questions-discrimination-retaliation/
 - Discrimination faqs https://www.zuckermanlaw.com/top-rated-discrimination-lawyers-washington-dc-maryland-virginia/
- Blogging and social media
 - https://www.glassceilingdiscriminationlawyer.com
 - https://www.zuckermanlaw.com/whistleblower-protection-law-blog/
- Speaking engagements, bar associations, & networking events
- Eguides/ebooks
 - Shattering the Glass Ceiling: Tips for Combatting Promotion Discrimination
 - The Whistleblower Protection Act: Empowering Federal Employees to Root Out Waste, Fraud and Abuse
- Media
- Paid advertising



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

Intake do's and don'ts, cont'd

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

- 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!

ERIC BACHMAN, <u>EBACHMAN@ZUCKERMANLAW.COM</u>
JASON ZUCKERMAN, <u>JZUCKERMAN@ZUCKERMANLAW.COM</u>