

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.)
 - <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

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

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

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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