



Part 1

The legal professions in the USA

- **Lawyers and paralegals**
- **An overview of the American judicial system**
- **Judges**

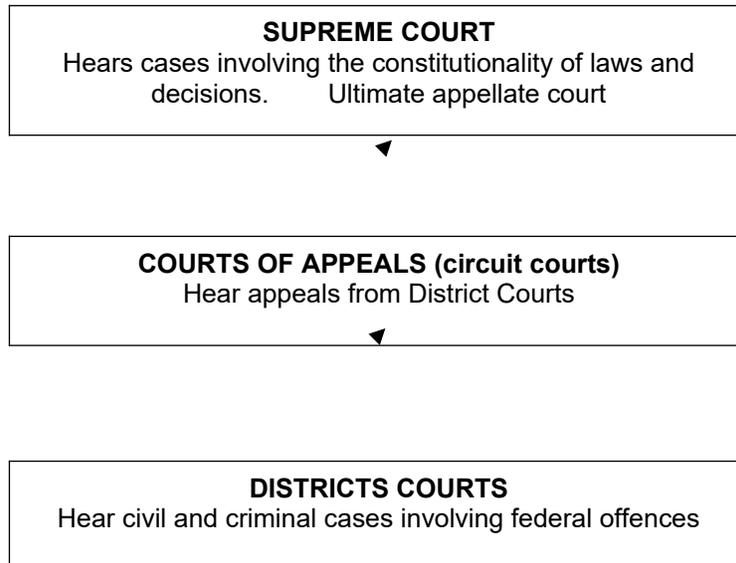


THE US JUDICIAL SYSTEM

Because the USA is a federal state, they have a federal court system as well as a state court system, each having , to a certain extent, its own jurisdiction.

Federal Courts

The system is established on **3 levels** : the **Supreme Court** , the **federal Courts of Appeals** (also called **Circuit Courts**) and the **federal District Courts**



- The **federal courts** generally deal with **cases involving a federal question** for example, disputes between citizens or corporations of 2 different states, between the states themselves or between the US and a foreign country. They also hear cases about federal crimes (child abduction , serial murders, some drug offences , money laundering , immigration offences etc...)

- The **US Supreme Court** is the final judicial authority in the U.S. and the only court **mentioned in the Constitution**.

Though the court can sometimes serve as a trial court through its **original jurisdiction**, relatively few cases reach the court in this manner; most cases arise by **appeal**.

The Supreme Court has the **final power** to decide **cases involving the interpretation of the U.S. Constitution**, certain legal areas set forth in the Constitution (called **federal questions**) and federal laws. It can also make final decisions in certain lawsuits between parties in different states.

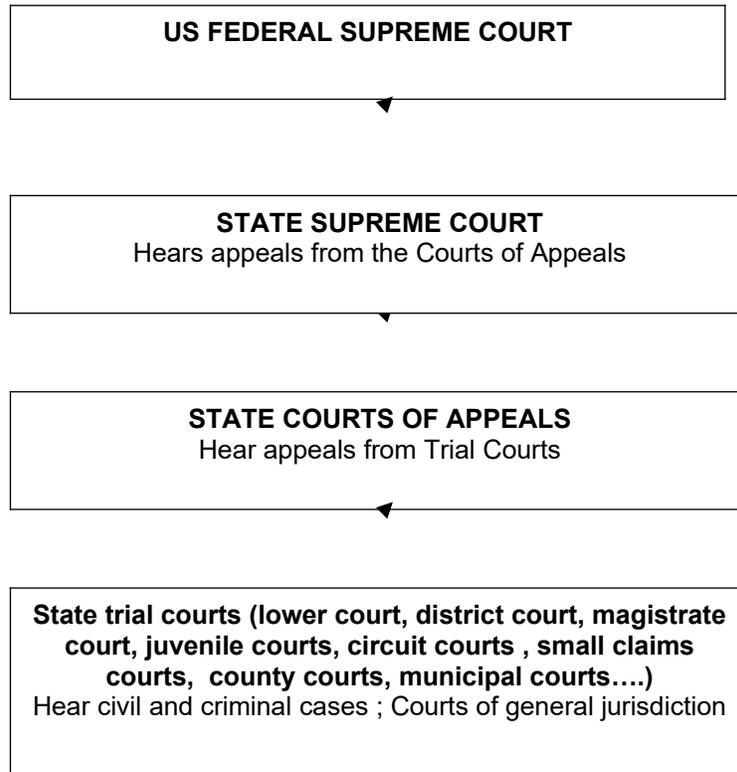
- In the **Courts of Appeals** , a case is generally heard by a panel of **3 judges**.
- Both **criminal and civil cases** are filed in **District Courts** . Most federal courts use **juries**.(12 jurors – verdict usually required to be unanimous)

There are also several **specialized federal courts** such as the US Court of International Trade , the US Tax Court, of the US Court of Federal Claims



State Courts

Each state has its own **judicial structure** where the greater part of all court cases are settled. It would be impossible to enumerate the 50 different systems but some generalization can be made.



*Note: - the name of the different state court can sometimes be confusing . For example , in NY, the “Supreme Court” is the name given to the lowest court and its highest court is known as the “Court of Appeals”
Some states only have a trial court and a supreme court without an intermediate court of appeal.*

The **highest court** in a state is the **State Supreme Court**. It hears the **final appeal** and has the last word in the state on all state law.

Appellate Courts or **Courts of Appeals** hear appeals and **review the decisions** of the lower level Courts. They can **uphold** the decision or **overturn/overrule** it. Three justices/judges usually sit in these courts.

Depending on the state, there are numerous **lower courts (trial courts)** : municipal and traffic courts, county courts, criminal courts, juvenile courts, probate courts, small-claims courts, magistrates’ courts.....In general , only one judge presides in one of these courts.

At **state level**, a **jury** will only be used in **criminal cases**.



LAWYERS AND PARALEGALS

Attorneys-at-law (also called attorneys, counsels, counsellors...)

An attorney at law, is a person **trained and licensed to practice law** i.e. to **represent clients** in legal matters (both in and out of court), and to **give legal advice**.

- The number of American lawyers is the highest in the world. From 1960 to the present, lawyers more than doubled in number and the total is now approximately **1.33 million** (about **1 lawyer for every 250 inhabitants**; New York has more lawyers per capita than any other state with 9.5 lawyers per 1,000 residents) . **61% are male**, and only **39% female**. Nearly all minorities are **underrepresented**. In the legal profession.compared with their representation in the U.S. population: 5 percent of lawyers are **African American**, while the U.S. population is 13.4 percent African American; 5 percent of lawyers are **Hispanic**, while the U.S. population is 18.1 percent Hispanic; and 2 percent of lawyers are **Asian**, while the U.S. population is 5.8 percent Asian. (**88% white/caucasian**)

At law firms, the number of **minority partners** has increased only slightly over the last decade, from 6 percent in 2009 to 9 percent in 2018. At law schools, **minority enrollment** has gradually risen, from 25 percent of law students in 2011 to 31 percent in 2018.

- About **three quarters** (nearly 75%) of America's lawyers are in the **private sector**, some in small practices, some in one-person offices (single practitioners) and some in much larger law firm.
- 10 to 15% of lawyers practice in **the legal department of a corporation** instead of an independent firm. They are called "**in-house lawyers**". They are salaried and work exclusively for that corporation. Some of these departments can be huge and employ hundreds of lawyers (e.g. 1000 for AT&T, 500 for EXXON....)
- A significant number of attorneys (**8-10%**) are employed at the various levels of **government**. California and New York each have over 100,000 lawyers representing the two states with the highest numbers of employed attorneys Some work for **State Attorneys Generals** (the heads of the State Justice Department), **prosecutors** (District Attorney Offices), and **public defenders** (Public Defenders Office) . At the Federal level, attorneys investigate cases for the U.S. Department of Justice and other agencies. Government lawyers also help develop programs, draft and interpret laws and legislation, establish enforcement procedures, and argue civil and criminal cases on behalf of the government.



"See? I told you sharks don't attack lawyers. It's a respect thing."

Education and training

The **American Bar Association** (ABA), the body in charge of regulating the education and the profession of lawyer , set up the **Association of American Law schools** (in 1900) representing now **200 ABA-approved law schools** Law schools are institutions where students obtain a **professional education** in law . Some schools are not accredited by a state or the American Bar Association. Most of them are located in California. Their first year students are required to take the First Year Law Students Examination (also called the 'Baby Bar') which then authorizes them to continue their studies in years following. Once they pass the General Bar, they are licensed to practice law in California. However, many other jurisdictions do not allow graduates of unaccredited law schools to sit for their bar examination.

California is also the first state to allow graduates of distance legal education (online and correspondence) to take its bar exam. However, online and correspondence law schools are generally not accredited by the ABA or state bar examiners, and the eligibility of their graduates to sit for the bar exam may vary from state to state .

Law schools typically require a **three year full-time course of study** after completing an **undergraduate degree in any field** (1). Applicants must justify of a **correct undergraduate grade point average**, and a **satisfactory score on the Law School Admission Test (LSAT)**, a standardized examination administered by a private testing organization and used by US law schools (but also most Canadian ones) as one factor in accepting applicants. A 'pre-law program' is sometimes offered at some American college but it is only an optional course and by no means mandatory to sit the LSAT. The LSAT system is currently under reform but remains the dominant test in law school admissions

Though most law schools are **hosted by large Universities**, the school itself is **largely autonomous** from the hosting institution. Some schools are more prestigious than others (Harvard, Yale, Cornell, Stanford for example) and students from these schools are usually hunted by **recruiters**. Smaller law schools will concentrate on local and regional problems giving their students good opportunities to get a job easily in their area.

Upon graduation from law school, students are awarded a **professional degree**, the **Juris Doctor (JD)** in law. The students wishing to obtain specialized training in a particular area of the law may earn the **LL.M. (Master of Laws)** after one extra year of studies.

In addition to attending law school, a law student is required to **pass the state bar** in order to **practice law**. The **bar examination** in most U.S. states is two days long and usually consists of:

- **A number of essay questions that test knowledge of general legal principles**, and may also test knowledge of the state's own law (usually subjects such as wills, trusts and community property, which always vary from one state to another)
- **A professional responsibility ("ethics") exam**
- **The Multistate Bar Examination**, a standardized, six-hour, two-hundred multiple choice question examination. The MBE cover contracts, torts, American constitutional law, criminal law, evidence and real property.

The **legal profession is regulated by each state** which sets its own requirements for admission to practice although the **National Conference of the Bar Examiners** checks the quality and relevance of the examinations. Lawyers will **practice in the state where they have been admitted**.

Upon admission, a new lawyer is issued a **certificate of admission** from the **state's highest court** and a **membership card** attesting to admission.



Unlike France and England and other European countries that require a period of apprenticeship with a practicing attorney, **the United States jurisdictions** do not impose any such period for their lawyers-to-be. Because of this, many law students graduate with a grasp of the legal doctrines necessary to pass the bar exam, but with **no actual hands-on experience or knowledge of the day-to-day practice of law**.

Many larger law schools have started to **supplement classroom education with practical experience**. **Externship / Internship** programs allow students to **receive academic credit for unpaid work with a judge, government agency, or community legal services office**. Several law schools also have **law clinic programs** in which students counsel actual clients under the supervision of a professor or lawyer. Some states (such as New York) are trying to impose a minimum period of apprenticeship before being admitted to the Bar

Some students become **law clerks** with judges **after graduation** from the law school, signing on for **one or two or year** clerkships. Clerkships may be with state or federal judges. The benefit to the lawyer from clerkships is **experience** working for a judge. It provides

other **valuable assets** to a young lawyer. Judges often become mentors to young clerks, providing the young attorney with an experienced individual to whom he or she can go for advice.

(1) Extract from the "official guide of the ABA-approved law schools" website: "The ABA does not recommend any undergraduate majors or group of courses to prepare for a legal education. Students are admitted to law school from almost every academic discipline. You may choose to major in subjects that are considered to be traditional preparation for law school, such as history, English, philosophy, political science, economics, or business, or you may focus your undergraduate studies in areas as diverse as art, music, science, mathematics, computer science, engineering, nursing, or education."

There are a few exceptions to the rule of admission to the bar:

For example, - Several states allow for **reciprocal admission to the bar** of that state if an individual is licensed to practice in another state and has actively practiced law for a number of years .

- In some states, an **applicant who has not attended law school** may take the **bar exam** after studying under a judge or practicing attorney for an extended period of time. This method is known as **"reading the law"**

- Many states allow some **foreign-educated lawyers** to take the bar examination under **strict conditions** (a knowledge of common law , several years of training...)

Due to the complexity of American law, lawyers must keep informed about legal and non-legal developments that affect their practices. Most states and jurisdictions require lawyers to participate in mandatory **continuing legal education** provided by the **American Law Institute** or State bars.



"Professor, I want to believe you, but my facebook friends, twitterers, wikipedia, Dan's law blog and comment #34 on Above the Law beg to differ."

Role of the attorneys

The American legal system has a **united (or fused) legal profession** i.e. there's **no difference** as this is still the case in England **between advocacy and counselling**. Sometimes, attorneys specialize in litigation and represent their clients in court while others concentrate on advising clients and preparing documents (such as wills, trusts, deeds, and contracts) , but some do both.

Unlike their counterparts in some other common law jurisdictions, American attorneys are **not required to wear wigs, gowns** or any other items of court dress when they appear **in court**. They are expected to wear contemporary **business suits**.

The United States does **not have a separate bar examination for federal practice**. Admission to the bar of a federal district court is generally granted to any attorney who is admitted to practice law in the state where the district court sits. The attorney submits his **application with a fee** and takes the **oath of admission**.

Lawyers are allowed to take up any position, sit on a board of directors , start a business career or take an active part in public affairs while having clients.

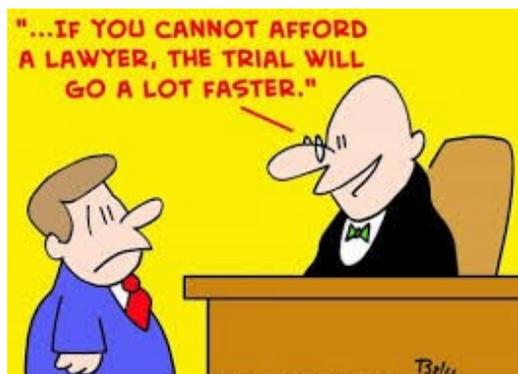
Although their salaries are quite high (even with the crisis) , **young recruits** (in business law firms especially) generally have to work long hours and wait a long time as **associates** (six to ten years) before being admitted to the **partnership**. At the same time, many lawyers are still struggling to find jobs. The result has been a large **disparity in lawyer's wages**. Salaries of experienced attorneys vary widely according to the type, size, and location of their employer. Lawyers who own their own practices usually earn less than those who are partners in law firms. Lawyers starting their own practice may need to work part time in other occupations to supplement their income until their practice is well established.

Lawyers increasingly use various forms of technology to perform more efficiently. Although all lawyers continue to use law libraries to prepare cases, most supplement conventional printed sources with computer sources, such as the Internet and **legal databases**. Software is used to search this legal literature automatically and to identify legal texts relevant to a specific case.



Legal aid – *Pro Bono* service , Public Defenders , Public Defender Offices , legal clinics

- Lawyers in the United States are recommended under American Bar Association (ABA) **ethical rules** to contribute at least **fifty hours of pro bono service** (legal services performed free of charge – *Pro Bono Publico* = “for the public good”) per year.. Some state bar association however, recommend fewer hours and the rule is not always respected....
- A **public defender** is a lawyer whose duty is to **provide legal counsel and representation to indigent defendants in criminal cases** who are **unable to pay for legal assistance**. Public defenders are **employed by the government** (at a federal , state or county level), or they work for non-profit entities funded by the government. Appointed counsels are required to be available for anyone accused in criminal court, who is exposed to any likelihood of imprisonment
The **Federal Public Defender Offices** are well funded, professional offices dedicated to defence work. (The offices were created to preserve the constitutional rights of indigent defendants in criminal cases, through the assistance of counsel, at every stage of the adjudication process.)
Lawyers employed by Federal Public Defender Offices have **salaries**. The combination of decent salary, benefits and support team tends to sometimes attract, and even retain, a few highly qualified attorneys. A surprisingly large percentage of Assistant Federal Public Defenders attended **Ivy League** schools..
- **Legal clinics** : They are places , in some cities, where **low-income people** can obtain **legal advice and representation**. They mostly work on issues such as wrongful evictions and shelter terminations, applications for public assistance and subsidized housing, credit and other consumer matters, veterans benefits, discrimination, probate, health and mental health, etc....
The cases are handled by a network of **lawyers** , **paralegals** and **law students** who **volunteer to advise people** and help meet their needs.



- A few states (e.g., California) have also guaranteed the right to counsel for indigent defendants in "quasi-criminal" or administrative law cases like involuntary terminations of parental rights and paternity actions

Prosecutors

The **'federal prosecutors'** play a very important role in the criminal justice system. They are attorneys who represent the Federal government in a court of law and attempt to prove that a person or company committed a crime. In doing so, each prosecutor must always remember that he/she is a representative of the court and must behave fairly and provide justice to the country's citizens.

Sometimes, depending on the size of the state, it may be divided into several different areas, or "Districts" with one presidentially appointed **District Attorney (DA)** for each. They are helped by a number of **Assistant District Attorneys (ADA) / Deputy District Attorneys (DDA)**.



Legal assistants (Paralegals)

A **paralegal** is a person who **works in the legal profession**, typically as an **assistant to a lawyer** and who is usually responsible for researching, analyzing, and managing the daily tasks for cases (preparing exhibits, legal writing.) . While paralegals work closely with cases, they are **limited in their duties** and **must be supervised by a lawyer**, who will be ultimately **responsible for the paralegal's work**.

They are found in all areas where lawyers are — in criminal trials, in real estate, in government agencies, in estate planning, and so on.

Many paralegals go to evening classes in law schools, hoping to eventually become lawyers.

There is **no specific educational requirement** in most U.S. states for **legal assistants** or paralegals. Some paralegals have only **on-the-job experience**, while some others have completed a two-year course or bachelor's degree in **paralegal studies**.

"Yes, counselor . . . I know the District Attorney is lying, but you must remember, he's with the good guys, and you're not."

JUDGES

American judges are **chosen among practising lawyers**

A judge is addressed as **"Your Honor"** or **"Judge"** when presiding over the court.

Generally, judges of both state and federal courts are **free to select their own courtroom clothes**. The most common choice is a **plain black gown** which covers the torso and legs, with sleeves.

- Federal judges

They are all **appointed by the President of the USA** with the "advice and **consent**" of the **Senate**. They are **appointed for life** and can only be **removed from office by impeachment** (very rare). Of course, candidates for the federal Appeals Courts and Supreme Court will be particularly scrutinized. Presidents will often choose persons close to their political views.

Justices of the Supreme Court

The number of **Justices** (= Judges of the Supreme Court) has been fixed at **9** for over a century: a **Chief Justice** and 8 **Associate Justices**.

The US constitution contains **no requirement** that Federal judges or Supreme Court justices **be members of the bar**. However, there are no modern instances of the President appointing any candidate who is not a member of any bar.

Considering the important role the Supreme Court has to interpret the Constitution, the appointment of a new Justice can be of great consequence and could break the balance between liberals and conservatives within the Court (Five of the current justices of the Court were appointed by Republican Presidents - including 2 by Donald Trump- while four were nominated by a Democrat.)



Other federal judges

Many states in the United States require that **judges** be **members of the bar** and **limit or completely prohibit** the judges from **practising law** while serving as a judge.

American judges are now often expected to attend **regular judicial education and instruction**. There are various professional associations of judges, such as **the American Judges Association**, that perform some of the educational and other service functions of bar associations.

Multiple judge panels (i.e more than one judge) are commonly **restricted to appeals**, both intermediate appeals and final appeals -- in the federal court system this is the **U.S. Court of Appeals** which may have benches of three or many more judges, and the **U.S. Supreme Court** with nine justices. A "senior judge" in U.S. practice, is a retired judge who handles selected cases for a governmental entity while in retirement on a part-time basis.

- State Judges

They may be **elected** or **appointed**.

When appointed by the governor of the state, the candidate must usually be approved by a judicial commission.

When elected, which is the most common manner, the judges remain "**on the bench**" until the following election in which they can attempt to be re-elected.

The great majority of judges were **practising attorneys-at-law before** their election or nomination. Many **go back to their private practice at the end of their terms**.

Most states also have officials called "**Justices of the Peace**" (sometimes **magistrates**), especially in rural areas. They are **lay judges**, often not even lawyers. They are elected or appointed in districts, counties or cities and they mostly deal with **minor civil or criminal matters**. They also perform **civil marriages**.

US NEWS REPORT LAW SCHOOL RANKINGS 2020

<u>Us News Ranking</u>	School Name
1	<u>Yale University</u>
2	<u>Stanford University</u>
3	<u>Harvard University</u>
4	<u>University of Chicago</u>
4	<u>Columbia University</u>
6	<u>New York University</u>
7	<u>University of Pennsylvania</u>
8	<u>University of Virginia</u>
9	<u>Northwestern University</u>
9	<u>University of California Berkeley</u>
9	<u>University of Michigan – Ann Arbor</u>
12	<u>Duke University</u>
13	<u>Cornell University</u>
14	<u>Georgetown University</u>
15	<u>University of California Los Angeles (UCLA)</u>
16	<u>University of Texas Austin</u>
17	<u>Washington University in St Louis</u>
18	<u>University of Southern California</u>
18	<u>Vanderbilt University , Nashville</u>
20	<u>Boston University</u>



Law School Rankings by Tuition fees (2020)

<u>No.</u>	<u>Law School</u>	<u>State</u>	<u>Tuition</u>	<u>Room & Board</u>
1	<u>Columbia University</u>	NY	\$69,916	\$19,190
2	<u>New York University</u>	NY	\$66,422	\$24,400
3	<u>U. of Pennsylvania</u>	PA	\$65,804	\$16,830
4	<u>Cornell University</u>	NY	\$65,541	\$16,766
5	<u>Harvard University</u>	MA	\$64,978	\$24,508
6	<u>U. of Southern California</u>	CA	\$64,908	\$17,802
7	<u>Duke University</u>	NC	\$64,722	\$12,916
8	<u>Northwestern University</u>	IL	\$64,402	\$16,236
9	<u>Yale University</u>	CT	\$64,267	\$17,595
10	<u>U. of Chicago</u>	IL	\$64,089	\$17,100
11	<u>U. of Virginia</u>	VA	\$63,700	\$13,474
12	<u>U. of Michigan-Ann Arbor</u>	MI	\$62,762	\$15,250
13	<u>Baylor University</u>	TX	\$62,432	\$13,719
14	<u>Stanford University</u>	CA	\$62,373	\$25,998
15	<u>Georgetown University</u>	DC	\$62,244	\$21,986
16	<u>U. of Connecticut</u>	CT	\$61,080	\$12,676
17	<u>George Washington U.</u>	DC	\$60,790	\$21,000
18	<u>U. of Virginia</u>	VA	\$60,700	\$13,474
19	<u>Cardozo-Yeshiva University</u>	NY	\$60,610	\$19,700
20	<u>Fordham University</u>	NY	\$60,406	\$20,010
21	<u>U. of Michigan-Ann Arbor</u>	MI	\$59,762	\$15,250
22	<u>St. John's University</u>	NY	\$59,480	\$20,810
23	<u>Hofstra University</u>	NY	\$59,214	\$18,722
24	<u>U. of Notre Dame</u>	IN	\$58,358	\$10,100
25	<u>Vanderbilt University</u>	TN	\$57,558	\$15,710

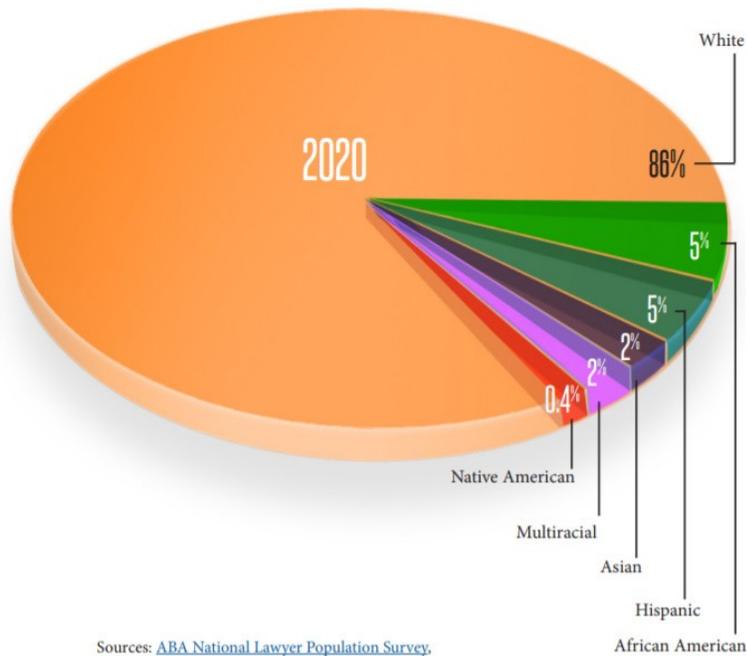
FACTS AND FIGURES ABOUT US LAWYERS

Source : American Bar Association

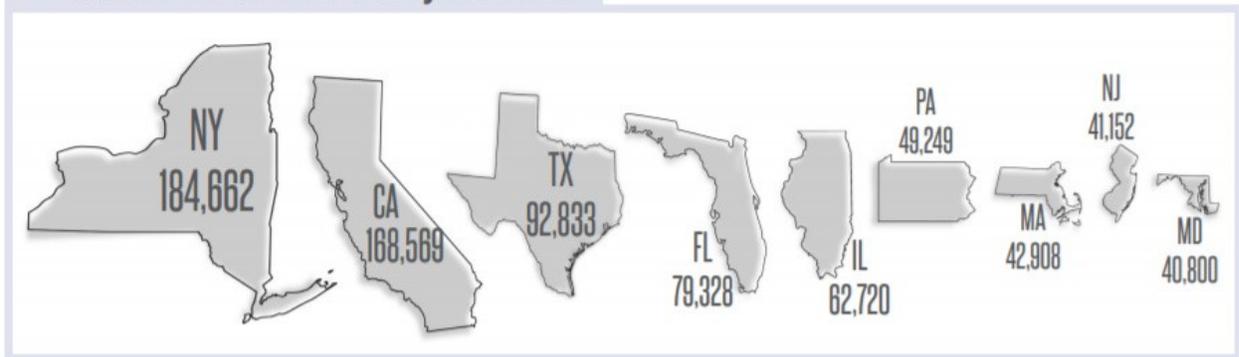
Video : Profile of the legal profession : <https://youtu.be/UZjOYvHOjY>

Race and Ethnicity (continued...)

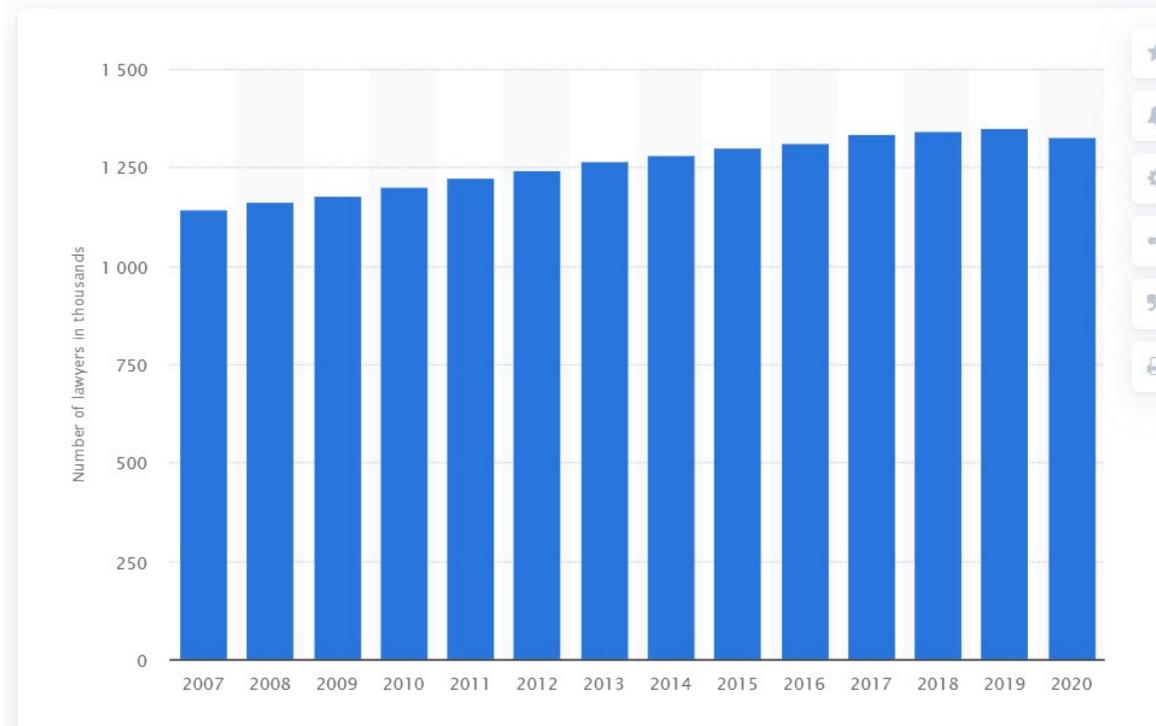
▶ 2020 Race and Ethnicity



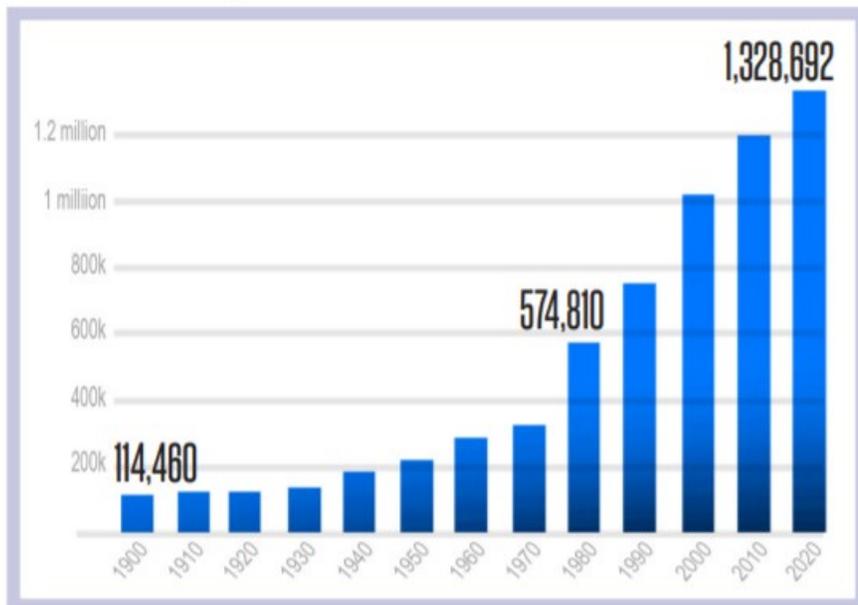
▶ States with the Most Lawyers: 2020



Number of lawyers in the United States from 2007 to 2020 (in 1,000s)



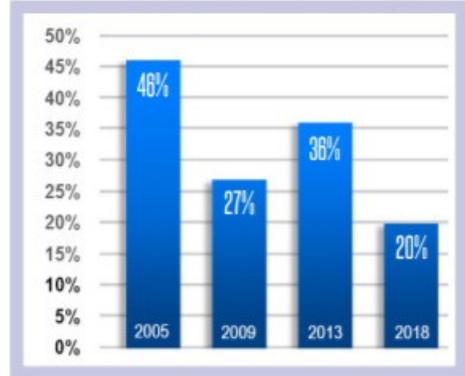
Lawyer Growth: 1900 - 2020



▶ Law School Applicants: 2000 - 2019



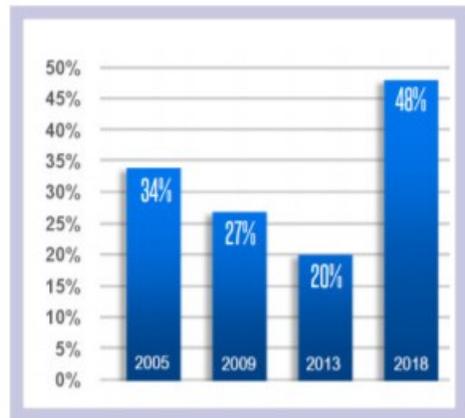
▶ Met the 50-hour Aspirational Goal



▶ Average Cumulative Student Debt Among Law School Graduates: 2000-2016

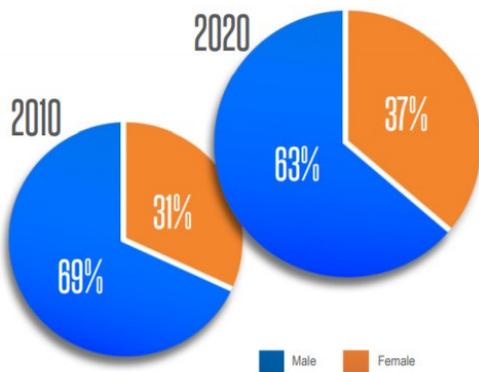


▶ No Pro Bono Work in the Past Year

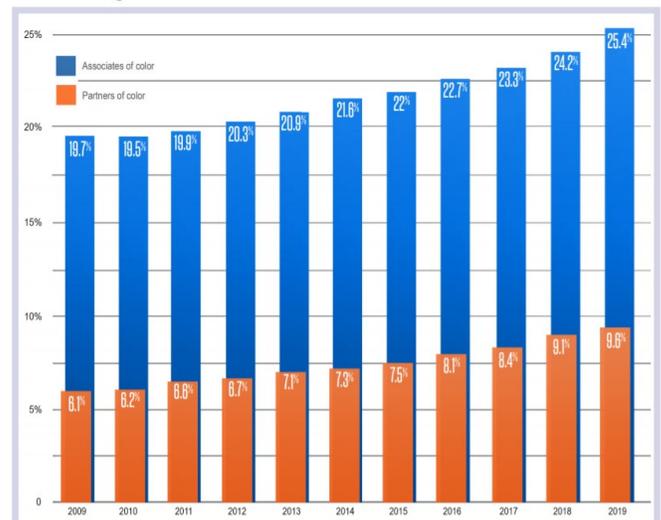


Parent Award
Percentage of female

▶ Lawyer Gender: 2010 / 2020

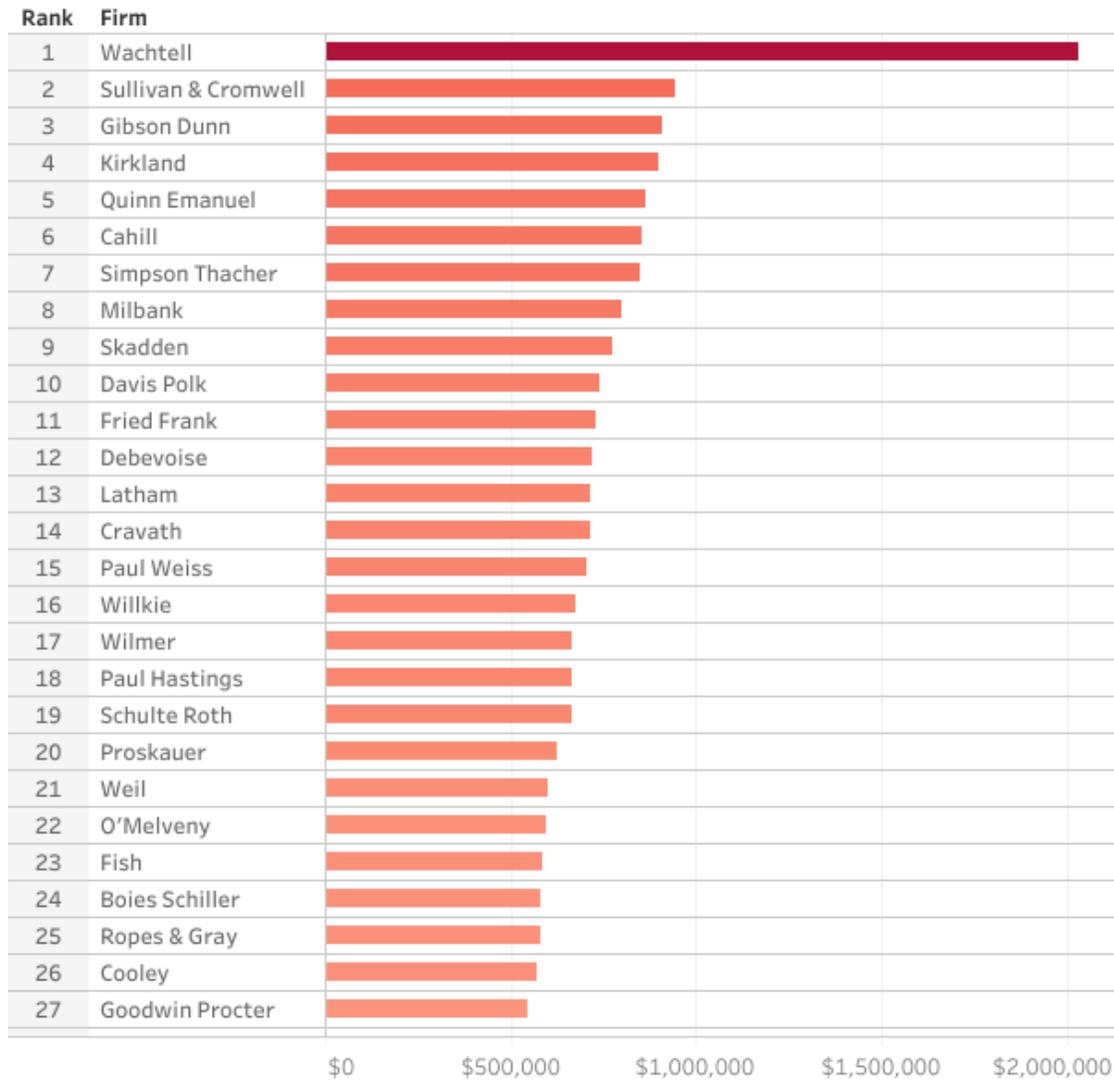


▶ Percentage of Law Firm Partners and Associates of Color





2019 PROFITS PER LAWYER



Firm Search

Which firms are the best at delivering profits per lawyer to the bottom line? Visit legalcompass.intelligence.alm.com for more. *Vereins.





VOCABULARY

Advocacy	Plaidoirie
Applicants	Candidat, postulant
Appointment	Nomination
Apprenticeship	Apprentissage, stage professionnel
Assets	Ici: avantage
Associate	(avocat) collaborateur
Assistant / Deputy District Attorney	Substitut du Procureur
Attorney	Avocat (US)
Board of directors	Conseil d'administration
Compulsory, mandatory	Obligatoire
Consent	Consentement, approbation
Continuing education	Formation continue
Counselling	Le conseil
Counterparts	Homologues
Court of appeals / appellate court	Cour d'appel
District court	≈ Tribunal de première instance
District Attorney (DA)	Procureur
Ethical rules	Règles de déontologie
Externship / Internship	Stage
Fees	Droits, frais / honoraires
Free of charge	gratuit
Gown	Robe (d'avocat)
Granted	accordé
Ivy League schools	groupe de huit prestigieuses universités de la région du nord-est des Etats Unis
Juris Doctor	Diplome de fin d'études de droit
Law clerks	Stagiaire (en juridiction)
Law school	(Faculté de droit) Ecole de droit ;Ecole d'avocats
Lay judges	Juges non professionnels
Legal clinics	Services de consultation juridique (gratuit)
Legal department of a corporation	Service juridique d'une société

Licensed	Autorisé
Litigation	Contentieux
LLM / Master of Law	Diplome de droit (2 ^{ème} niveau) ≈ Master 2
Low-income people	Gens aux revenus modestes
LSAT	Examen d'entrée à la faculté de droit
Oath	Serment
Offence	Délit; crime
On the bench	Ici : en activité
On-the-job experience	Formation sur le tas
Original jurisdiction	Juridiction de première instance
Overrule	Annuler; casser
Overtun	Annuler; casser
Panel	Un jury , un ensemble (de personnes)
Paralegals	Assistant (juridique)
Partner	Associé
Partnership	Association
Practicing lawyers	Avocat en activité
<i>Pro Bono</i>	À titre gratuit
Probate	successions
Recruiters	recruteurs
Remove from office	Demettre qq'un de ses fonctions
Requirements	Diplomes/conditions exigées
Retirement	retraite
Scrutinize	Analyser, examiner
Shelter terminations	Refus de logement d'urgence
Single practitioner	Avocat independant
Term	mandat
The Bar exam	Examen du Barreau
Trial court	≈ Cour de première instance
Undergraduate degree	≈ Licence
Uphold	Confirmer (une décision)
Wages	salaires

