

**Which
field of
law
should I
pursue?**

By: KATHLEEN WE

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Administrative Law

Administrative Law Description: Administrative law deals primarily with questions of the propriety of granting powers to agencies as well as with the judicial checks upon the activities of government agencies. Administrative law is divided into several interrelated parts, governing the administration and regulation of state and federal government agencies. The agencies are granted power by either Congress or the state legislature.

Administrative agencies lie at the heart of all public-law subjects, from tax and securities regulation to labor and environmental law, from communications and energy law to white-collar crime and intellectual property, and from health-care and financial institutions to civil rights, land use, and antitrust law.

The Federal Administrative Procedure Act (APA) was enacted in 1946 to provide uniform standards of procedure that would be common to all agencies. The act guarantees the right of judicial review to any person suffering legal wrong because of any agency action.

The APA basically governs the many of the activities of federal agencies including rulemaking, adjudication, judicial review of agency action, access to agency information (Freedom of Information Act amendment), and open meetings (Government in the Sunshine Act amendment). Under the APA, all agency action is either rulemaking or adjudication.

Administrative Lawyers provide legal support in the areas of government contracting, including bid proposals, and administration of government contracts.

Admiralty

Admiralty Description: Admiralty or Maritime Law is a body of law governing navigation and shipping. Admiralty law is under the specific domain of federal law, created through Article III of the Constitution. Maritime Law governs not only U.S. tidal waters, but any waters within the United States used for navigation. Because Maritime Law is governed exclusively by the federal branch, states have no jurisdiction to legislate or govern maritime matters.

Under Admiralty law, a ship's flag determines what country has jurisdiction. Thus, an American ship flying an American flag off the coast of Africa, is still governed by American maritime law; similarly, a Russian ship on the coast of California would be governed by Russian maritime law. Nevertheless, an American court could still exercise jurisdiction over the Russian ship - the court could decide whether to apply Russian maritime law or refuse to exercise jurisdiction.

In general international maritime law is consistent among all countries.

Agriculture Law

Agriculture Law Description: Agriculture law considers the role of government in agriculture as well as traditional transaction issues such as leasing, the marketing and storing of commodities, special secured financing rules relating to agriculture credit, and issues confronting the livestock industry.

Agriculture law also includes legal issues related to the commercial activities of soil preparation, seed planting, crop harvesting, gardening, horticulture, viticulture, dairying, poultry, and ranching. There are many, complex federal and state regulation governing these activities and their impact on farmers, farm workers, consumers, and the environment.

Agricultural lawyers provide legal council on all aspects of the agricultural and livestock business.

Antitrust and Trade Regulation Law

Antitrust and Trade Regulation Law Description: Antitrust deals with the area of law concerned with maintaining competition in private markets. The American antitrust and fair trade laws protect and promote competition in the free enterprise system. These laws provide remedies for businesses and consumers from the effects of monopolization and conspiracy, fixed prices, boycotts, refusals to deal, divided markets, etc.

The historic goal of the antitrust laws is to protect economic freedom and opportunity by promoting competition in the marketplace. Free competition benefits consumers through lower prices, better quality, and greater choice. Competition provides businesses the opportunity to compete on price and quality, in an open market and on a level playing field, unhampered by anticompetitive restraints.

The major federal antitrust law, the Sherman Act, was passed in 1890 and makes illegal every contract, combination, or conspiracy, in the restraint of trade. Basically, the Sherman act prohibits monopolies.

The Clayton Act, which supplements the Sherman Act, prohibits mergers and acquisitions where the effect is to substantially lessen competition or create a monopoly.

Each state has its own antitrust laws, but most are similar to federal versions.

Antitrust lawyers represent companies on matters concerning government regulation of business including price fixing and restraint of free trade.

Asbestos Law

Asbestos Law: Exposure to asbestos can cause Mesothelioma, a rare form of cancer, and Asbestosis, a non-cancerous scarring of the lungs by asbestos fibers.

Asbestos products liability lawsuits have arisen most often from two situations: 1) claims brought against suppliers of raw asbestos fiber, where employees of manufacturers of asbestos products actually or allegedly had contracted asbestos-related diseases as a result of exposure to asbestos supplied to the manufacturer, and 2) claims against manufacturers of products brought where insulators and other asbestos workers allegedly or actually had contracted asbestos-related diseases as a result of exposure to the manufactured products.

The major defense put forward by companies sued for asbestos exposure was that the company was unaware of the dangers of asbestos, though this defense doesn't often prevail. Some manufacturers also contend that lung damage was caused by smoking, because asbestos and lung injuries are similar.

Asbestos law is a relatively new field of law. The first asbestos lawsuit was not filed until 1966. The first legal victory for an asbestosis sufferer was not until 1973. In the 1980s, however, during a wave of asbestosis cases, many companies began filing bankruptcies to avoid paying huge punitive damages. Within a few years, the entire asbestos textile industry was in bankruptcy, as were several major asbestos insulation manufacturers. Nevertheless, asbestos cases continued; instead of the manufacturers of asbestos bringing lawsuits, however, those exposed to asbestos began bringing lawsuits. Asbestos products were banned in the United States in 1989.

In more recent developments, by March 2003, the Supreme Court had ruled that mental anguish damages resulting from the fear of developing cancer may be recovered under the Federal Employers' Liability Act by a railroad worker suffering from the actionable injury asbestosis caused by work-related exposure to asbestos. However, emotional distress damages may not be recovered under the Federal Employers' Liability Act by disease-free asbestos-exposed workers.

The U.S. Environmental Protection Agency (EPA) regulates the general public's exposure to asbestos in buildings, drinking water and the environment.

Banking Law

Banking Law Description: Banking law covers several types of financial institutions, including banks, savings unions, credit unions, and savings and loans. Banking law generally applies to domestic and international providers and consumers of debt financing including, on the lending side, domestic and foreign banks, bank holding companies, leasing companies, finance companies and other financial institutions and, on the borrowing side, corporate, government, institutional, individual and financial intermediary borrowers.

Banking law covers topics such as incorporation of banks, corporate and private lending, financing and refinancing, cross-border and international banking transactions, financial leasing, loans, electronic banking and regulatory and corporate governance.

Perhaps the single most significant theme of bank regulation has been the co-existence of state and federal regulators with sometimes overlapping jurisdictions. Under the federal government, the comptroller of currency charters national banks. The Federal Reserve Board and the Federal Deposit Insurance Corporation regulate. Federal banking law requires that any deposit-taking institutions be chartered as banks.

Each state has its own state official that regulates banks. The official is usually called the Director, Superintendent, or Director of Banks.

Banks are controlled by the laws that create them. Checking accounts are governed by state law supplemented by some federal law.

Banking lawyers provide legal assistance during financial transactions. This assistance includes tax consequences, government regulations, and issues with an individual's bank.

Bankruptcy Law

Bankruptcy Law Description: Bankruptcy is a federal law that allows individuals, married couples, and businesses to eliminate or restructure their debts when they have financial difficulties. Because it is a federal law, it applies throughout the United States. Bankruptcy law is federal statutory law contained in Title 11 of the United States Code.

Bankruptcy law provides for several different types of bankruptcy, called chapters, because the various provisions that govern them are contained in different chapters of the Bankruptcy Code.

A bankruptcy settlement will generally show up on your credit report for a period of 10 years. You can file for bankruptcy without a lawyer, but because of the complications involved in the Bankruptcy code, it is not generally advised. Because of the seriousness of bankruptcy, mistakes can be very costly.

Case Law

Case Law Description: Case law consists of the written opinions of judges giving the verdict in a particular case and the reasoning behind it, including citations to relevant statutes and other cases. Most case law relies on precedent, or past case law. Each published case is binding on the court below. Another term for case law is "common law."

Case law is basically judge-made law. Case law is distinct from statutory law. Case law is not actually codified by legislatures. It is created by judges, but is binding on lower courts. For instance, if the Supreme Court decided on an issue, their decision becomes law. For example, when the Supreme Court ruled that *Miranda* warnings were required, it became the law across the United States, even though no legislature passed the law or codified it.

Similarly, if a state supreme court rules on a case, the ruling becomes the law of the state, though it is not binding on other states.

Cases are often published in several online resources and sets of books, called reporters. They are also published online, in such places as Westlaw and Lexis-Nexis. Once a judge's opinion is handed down, it usually shows up on these almost immediately.

Civil Rights Law

Civil Rights Law Description: Civil rights are any of the civil liberties guaranteed by the 13th, 14th, and 15th Amendments to the Constitution and by the Civil Rights Acts. Civil rights are also protected under state constitutions. There are also numerous state and federal statutes that protect a person's civil rights.

Most often, civil rights refer to protections against discrimination on the basis of race, gender, national origin, and in some cases, sexual orientation.

Civil rights laws, in general, apply to public institutions such as public housing, government employment, or public accommodations, and not to private institutions or individuals, unless they are acting under government authority. Discrimination based on race, color, religion, or national origin in public establishments that have a connection to interstate commerce supported by the state is also prohibited.

You are not protected under the civil rights laws if a random person on the street uses racial or sexual epithets against you. However, you may succeed on a claim against an individual if he or she is acting under "color of law," i.e. he is acting under the government's authority. For instance, if a police officer assaults you because of your race, gender, or national origin, and if he or she does so acting as a police officer, he is acting under color of law.

Civil rights lawyers represent individuals who believe that a government agency or government agent has violated a constitutional or federal right. Examples include police brutality; discrimination based on race, religion, sex, disability, or age; violations voting rights; free speech, and other civil rights laws.

Commercial Law

Commercial Law Description: Commercial law consists of those laws that govern business transactions involving the representation of individuals or companies in the formation of limited liability entities, general and limited partnerships and corporations, shareholder agreements, buy-sell agreements, transfer agreements, shareholder or member restrictive agreements and other transactions.

Commercial law is generally governed by the law of contracts, more specifically the Uniform Commercial Code (UCC), which has been adopted by all states except for Louisiana. Nevertheless, there are wrinkles to each state's UCC, so be sure to check individual commercial laws in your state. The UCC allows commercial organizations to do business across jurisdictional boundaries with confidence because these organizations are fairly certain that the same rules apply in each jurisdiction

Commercial lawyers represent businesses in breach of contract claims, business torts, fraud claims, antitrust suits, and class action lawsuits.

Communications Law

Communications Law Description: Communications law deals largely with the laws governing TV and radio broadcasting. The Communications Act of 1934 created the Federal Communications Act (FCC). The FCC is the federal oversight body, which grants licenses and is the rulemaking body for radio, television, wire, satellite, and cable. The FCC is made up of five members, two Democrats, two Republicans, and the Chairman, a member of the President's party.

Communications lawyers represent people and business in the communications industry.

Constitutional Law

Constitutional Law Description: Constitutional Law is the study of the United States constitution and its broad framework. Specifics include the powers of each branch of government, judicial review of Congressional enactments, separation of powers, the relationship between the federal government and the states, the limitations of the federal government's interference with private transactions, and the concept of state action which underpins all the limitations on governmental power in the Constitution. Constitutional law also explores individual rights under each of the Amendments. The major issues in constitutional law include equal protection, due process, freedom of speech, freedom of religion, and the right to bear arms.

The Constitution has seven articles. Article I establishes the House of Representatives and the Senate. Article II of the Constitution establishes the presidency and the executive branch of government. Article III establishes the Supreme Court and the rest of the federal judicial branch. Article IV is the full faith and credit clause, establishing that all states must recognize the laws of other states. Article V of the Constitution provides the procedures to be followed to amend the Constitution. Article VI lays out the legal status of the Constitution, and Article VII establishes the ratification procedures. The United States Constitution also has 27 Amendments, including the Bill of Rights, which is the first 10 Amendments

Construction Law

Construction Law Description: Construction Law is a legal, problem solving approach to construction and real estate development issues focusing on loss prevention and maximization of profits. Construction law includes improvements of all sizes and complexity from basic, residential work, to enormous, complex projects, city planning, and mass transportation. Construction law cuts across a broad spectrum of laws, but is closely related with many of the traditionally recognized principals and doctrines of the law, including: real property, contracts, torts, business organizations, labor, and tax law.

There are a myriad of issues involved in construction law, including contract disputes, general contractor and subcontractor issues, substantial performance issues, arbitration, insurance, payment disputes, risk management and mechanical liens. There are also several laws governing the bidding process.

When writing a construction contract, it is important to remember a central principle to contract law - terms of a contract will be construed against the drafter of the contract. Thus, any ambiguities or uncertainties will be resolved against the writer of the contract.

Construction lawyers represent contractors, architects and engineers on injury claims associated with construction as well as issues involving building design.

Contract Law

Contract Law Description: Contract law is the law that governs contracts. A contract can take several forms - it can be written on a piece of paper (or napkin, even) or it can be just a verbal agreement if it satisfies the Statute of Frauds.

A contract is basically an agreement between two or more people which creates an obligation to do, or not do, something. The agreement creates a legal relationship of rights and duties. If the agreement is broken, then the law provides certain remedies.

There are three factors necessary to create a contract: 1) an offer, 2) acceptance, and 3) consideration. One party makes an offer, the second party must accept the offer and there must be consideration exchanged. Consideration has to be something of value.

For a contract to be legally enforceable, not only do all the parties to the contract have to get something in return, but they must also suffer a detriment. In other words, one cannot contract to give someone else \$500 unless the other person gives up something in return.

Contract law covers the legal implications of a contract. For instance, contract law determines what is and is not consideration, whether a contract was actually intended, if the parties making the contract were legally competent, whether there was fraud or duress involved, or how a contract is terminated.

Certain contracts are not legally valid, for instance, if the contract goes against public policy (such as a contract to satisfy a gambling debt). In most instances, people who are not of the age of majority are not allowed to make contracts.

When writing a contract, it is important to remember a central principle to contract law - terms of a contract will be construed against the drafter of the contract. Thus, any ambiguities or uncertainties will be resolved against the writer. For instance, if someone drafts a contract where there is uncertainty as to whether the drafter has to pay \$500 or \$800 for a good or service, the contract will be interpreted against the drafter - i.e. he or she will have to pay the \$800 amount.

Contract lawyers provide legal representation to draft contracts including purchase and sale agreements, business forms, licensing agreements, employment agreements, and other contracts. In addition, contract lawyers assist clients in litigation commonly associated with contracts including breach of contract suits, suits to enforce an agreement, and fraudulent contracts.

Corporation Law

Corporation Law Description: Basically, a corporation is a legal entity. It is created under the laws of the state it's incorporated within. The laws of each state vary, some more favorable than others. Federal law - under the Securities Act of 1933 - regulates how corporate securities (stocks, bonds, etc.) are issued and sold.

A corporation creates an "artificial person" or entity that can sue or be sued, enter into contracts, and perform other duties necessary to maintain a business. The major advantage of a corporation is that the entity shields the individual owners or shareholders from personal liability for the liabilities and debts of the corporation, with some limited exceptions (such as unpaid taxes). The legal "person" status of a corporation also gives it an indefinite life; the termination or death of certain individuals does not alter the corporate structure.

Persons trained in corporate law are responsible for bringing corporations into being. Corporate lawyers structure the stock and bond offerings and the bank and insurance loans that provide enterprises with capital. They bring about the joint ventures, licensing arrangements, mergers, acquisitions, and the myriad of other transactions entered into by the corporation.

Areas include business formations, securities law, venture capital financing, business agreements, internal forms, and business tax consultation.

Criminal Law

Criminal Law Overview: Criminal law is made up of the criminal laws themselves and the law of criminal procedure. The criminal law for the federal government and for every state sets out the legal rules of criminal conduct and the rules concerning how it is punished. The criminal law also contains specific rules of legal procedure which vary state to states - these laws are designed to allow the police and prosecutors to arrest and convict as many people as possible while drawing out lines of constitutional protection for the accused.

Criminal law deals primarily with crimes committed against the state, i.e. with social crimes. Examples include murder, theft, larceny, arson, embezzlement, and rape. These crimes are prosecuted by either a state or federal officials, such as prosecutors or attorneys general. Criminal statutes determine which courts will hear what cases and who will prosecute those cases.

In most cases, an act is a crime because the person committing it intended to do something wrong. This mental state is generally referred to as *Mens rea*, or guilty mind. *Mens rea* expresses a belief that people should be punished only when they have acted in a way that makes them morally blameworthy.

Criminal Procedure, on the other hand, deals with the methods used to deal with people accused of committing a crime, when they can be searched, when evidence can be seized, when eyewitnesses can be investigated. Criminal procedure is where search and seizure and arrest laws come into play - and is most likely what people associate with criminal lawyers on television.

Criminal Procedure deals with a defendant's individual, constitution rights, which include the right to remain silent, the right to a speedy, public trial by a jury, the right to a competent attorney, and the defendant's right to confront his or her accuser.

Criminal lawyers represent persons who have been charged with crimes.

Cyberspace Law

Cyberspace Law Description: Cyberspace Law encompasses all cases, statutes, and constitutional provisions that impact persons and institutions when they go online. Issues include free speech, intellectual property, privacy, safety, equity, jurisdiction, and e-commerce.

The balance between First Amendment freedom of expression and copyright creates a problem which cannot be solved easily in the field of Cyberspace law. The Internet is a medium that promotes freedom of expression as an interactive service of communication and social interaction.

Perhaps one of the biggest issues in cyberspace law is the ongoing disputes involving music piracy, or illegally downloading music files from the Internet. The music industry is involved in an intense effort to find ways to protect and license the use of music over the internet.

There are also numerous cases pending before courts around the country regarding the legality of linking. In a recent case between Ticketmaster & Microsoft, a federal court judge in California ruled that linking does not infringe upon the linked site's copyright.

Another of the larger issues confronting cyberspace law is spam, or unsolicited commercial email. Spam, on average, takes up 40 percent of email volume in the United States. Although there are no federal laws yet enacted to confront the spam problem, several states have already passed such legislation. Current legislation floating around in Congress, such as RID-Spam, calls for commercial emails to state that it is advertising and include a return address.

Dispute Resolution and Arbitration Law

Dispute Resolution and Arbitration Law Description: Alternative Dispute Resolution (ADR) typically refers to a method of resolving disputes by means not associated with formal litigation (court), such as mediation, arbitration, facilitation, or conciliation. One common element in all of the ADR procedures is the presence of a person who acts either as the facilitator or decision maker. This facilitator is a neutral person who is capable of providing an unbiased opinion.

In general, ADR allows everyone to have an active part in the decision-making process. Solutions are adopted by consensus, and reflect an understanding of the interests of all parties. As a result, the solutions are tailored to the needs of the participants. ADR encourages creative, innovative solutions, moving away from the traditional win/lose results of adversarial proceedings. ADR resolves disputes while preserving relationships, and thereby helps create a productive working environment.

ADR is useful in a wide range of conflicts, such as commercial disputes, professional liability cases, personal injury matters, insurance problems and family and divorce matters.

Divorce Law

Divorce Law of course, covers the divorces and their aftermaths. A divorce is the legal termination or dissolution of a marriage. Divorce law deals with the laws and issues surrounding divorce, including alimony, child support, child visitation, and division of assets. Divorce laws vary by state. There are two types of divorce: Fault and No Fault. Alternatives to divorce include annulment and legal separation.

Community Property States: For purposes of distributing assets after a divorce, many states are community property states, meaning both the husband and wife equally own all money earned by either one of them from the beginning of the marriage until the date of separation. In addition, all property acquired during the marriage with community money is deemed to be owned equally by both the wife and husband, regardless of who purchased it. The separation date is important in this analysis, as it is the last day when property is considered "community." Debts work the same way as assets - any debt accrued during the marriage belongs to both husband and wife equally. Each spouse's 50 percent ownership interest in community property includes equal rights of management and control. There are ten community property states, including California.

Equitable Distribution: Most states employ equitable distribution in dividing marital property. Instead of an even split, as in community property states, equitable distribution looks at the financial situation that each spouse will be in after the termination of the marriage. Factors considered in equitable distribution include the earning power of the spouses, separate property of the spouses, the value that one spouse contributed as the home-maker, the duration of the marriage, the age and health of the spouses, marital infidelity, and who had the children, among others.

Fault Divorce: A fault divorce is one in which one party blames the other for the failure of the marriage by citing wrongdoing. Fault divorces are most common where abuse is a factor. Abandonment, desertion, inability to engage in sexual intercourse, insanity, and imprisonment are other causes for fault divorces. In many states, the waiting period is shorter for fault divorces.

Legal Separation: A legal separation is a finding by a court that the conditions or circumstances of a marriage make it intolerable for the parties to live together but that the marriage itself should be maintained. In general, couples who legally separate can either agree to separate voluntarily and draw up a formal agreement or one or both spouses can petition the court for a legal separation. Generally, legal separations may be granted up to one to two years, depending on the state. At any time during the legal separation, either party can ask for a divorce.

Marital Separation Agreement: A marital settlement agreement spells out the terms of the divorce and the relationship between the two spouses after the divorce. These agreements usually cover property division, child custody and child plans, debt division,

spousal support, and any other relevant issues related to the divorce.

No Fault Divorce: No fault divorce is where neither spouse is considered responsible for the breakup of the marriage and neither spouse has to prove that the other spouse did something wrong. Any numbers of reasons can be grounds, including irretrievable breakdown, irreconcilable differences, or incompatibility. This is the most common type of divorce.

Separate Property: In community property states, this is the property that is considered separate, i.e. belonging to only one spouse. This usually includes anything owned prior to marriage, inheritances, and anything a spouse earned after the date of separation. Educational loans can also count as "separate" debts, owned by only one spouse.

Uncontested Divorce: An uncontested divorce is a proceeding in which a person sued for divorce does not fight it and instead reaches an agreement with the spouse during the proceedings. In these cases, the terms of the divorce are agreed upon by both parties. Uncontested divorces are generally much more amicable and economical than other types of divorce.

DWI - Implied Consent Laws

First of all, you should know that all 50 states have enacted implied consent laws. So, despite what you might have heard, implied consent laws provide that any person who operates a motor vehicle has implicitly consented to a chemical test of his or her blood, breath, urine, or saliva for the purpose of determining the alcohol content of the blood. Therefore, you DO NOT have the right to refuse a breathalyzer without consequence (such as automatic suspension of your license) so long as a police officer has arrested you or taken you into custody for operating a motor vehicle while intoxicated or under the influence.

Nevertheless, the police officer must have reasonable grounds *prior* to the arrest that you were driving in an intoxicated condition. Reasonable grounds can be anything from straddling the center lane, appearing drunk, weaving, swerving, or stopping without cause in a traffic lane.

What a police officer cannot do is stop a driver for no reason, or simply to check license and registration, unless, of course, the officer has a specific reason to believe the driver doesn't have a license or registration. Otherwise, stopping and detaining a driver for no reason is illegal, with one exception: Sobriety Checkpoints.

Education Law

Education Law Description: Education law is an area of the law that specifically deals with schools, school systems and school boards.

Education is primarily administered by the states and through the Department of Education. The federal National Institute of Education was also created to improve education in the U.S.

A school run by a state or political subdivision of a state must meet the standards established by the governing state educational agency, which in turn must meet or exceed the Individuals with Disabilities Act (IDEA) minimum requirement. Under the IDEA, a state educational agency is the agency primarily responsible for state supervision of public elementary and secondary schools.

There are a couple of things to keep in mind with regard to a school student's Constitutional protections, as these are repeated motifs in education law.

First, a school need not tolerate student speech that is inconsistent with its basic educational mission, even though the government could not censor similar speech outside the school. The United States Supreme Court has recognized that a balance must be struck between students' rights and schools' role in fostering what the Court has termed socially appropriate behavior.

Second, in the school context, the legality of a search depends simply on the reasonableness, under all the circumstances, of the search. A search of a student is reasonable if it was justified at its inception, and its scope is reasonably related to its objectives. In-school searches are usually based upon some level of individualized suspicion; probable cause, however, is not a necessary predicate for an in-school search.

Energy & Utilities Law

Energy Law Description: Energy law deals with the regulation, development, and use of natural resources and various environmental impact issues. The major energy sectors are gas, oil, coal, renewables, nuclear, electricity and heat.

Energy lawyers represent energy and public utility companies in regulatory compliance lawsuits and other energy law areas.

Entertainment Law & Sports Law

Entertainment Law & Sports Law Description: Entertainment law encompasses five branches of the entertainment industry, each involving production of projects intended for initial distribution and release in that particular branch. The five areas are music, theater, movies, television, and print publishing.

There are also five areas of concern in each branch of entertainment law. These are credit, artistic control, grant of rights, representations, warranties and indemnities, and compensation.

Clients in an entertainment law practice include internet providers, motion picture studios, radio stations, the Screen Actors Guild, the Authors Guild, the Writers Guild of America, actors, agents, artists, directors, and songwriters, and sports players among others.

Although there are no substantive areas of law specific to entertainment and sports law, entertainment lawyers generally practice complex legal issues of constitutional law, anti-trust litigation, bankruptcy, contracts, corporation law, communication regulation, sports arbitration, and intellectual property rights.

Entertainment lawyers provide legal representation on matters involving the entertainment and sports industry. Examples include contract negotiation, endorsement agreements, and NCAA rules lawsuits.

Environmental Law

Environmental Law Description: Environmental Law consists of a multitude of legal principles, rules, and regulations dealing with the interaction of people in their physical surrounding. Environmental law governs human involvement in the land, waters and air, generally including any impact on the atmosphere, organic and inorganic matter, and living organisms. Environment law also deals with the socio-economic, health and cultural impacts of the environment. Environmental Law ranges from widespread regulatory systems developed by the Environmental Protection Agency to generally accepted common law principles dealing with liability for the release of substances into the environment.

Environmental lawyers provide legal representation involving environmental questions concerning regulatory compliance, air and water quality regulations, toxic torts, and other environmental law issues.

Employment Law & Labor Law

Labor Law & Employment Law Description: Employment, or labor law, is a very broad area of the law covering the employer/employee relationship.

Anyone who is an employee has certain rights by law, including the right against discriminated or the right against harassment on the basis of age, race, national origin or membership in another protected class. If there is an employment contract, the employee has the right not to have it breached. An employee also has a "whistleblowing" right, or the right to tell on their employer's illegal practices and maintain their job.

Because of the many varied law associated with employment, the following topics are related to Labor Law & Employment Law:

- Age Discrimination
- At Will Employment
- Constructive Discharge
- Disability Discrimination
- Disability Law
- Family and Medical Leave
- Hostile Work Environment
- Overtime Pay
- Pregnancy Discrimination
- Racial Discrimination
- Retaliation
- Sexual Harassment
- Whistleblower Laws

Family Law

Family Law: Family lawyers deal with the legal disputes involving family matters, including divorces, legal separations, adoptions, paternity suits, child support, alimony, guardianship, and restraining orders.

Health Law

Health Law Description: Health Law deals with regulatory law applicable to healthcare providers, third party payors, and those that provide or pay for health care.

Health Law Attorneys assist clients who need legal representation on matters concerning health care. Examples include the representation of physicians, hospitals, physicians groups, nursing homes and health care providers on matters relating to medical malpractice, risk management, peer review boards, Medicare fraud and abuse, health care employment issues and provider regulation. The experienced health lawyer has in-depth knowledge of the healthcare industry and the laws and regulations that affect it.

Immigration Law

Immigration Law Description: Immigration law is the law that exclusively governs immigration. Specifically, the Federal Immigration and Nationality Act governs who the government can allow in, and for how long, and who the federal government can deport. Immigration law is comprised of a very complex web of rules, regulations, and exceptions.

Immigration lawyers represent clients who need legal assistance or representation in their efforts to obtain a student visa, green card or United States citizenship.

The Immigration and Naturalization Service (INS) is the government agency that handles immigration and nationality matters for foreign nationals who come to the United States. They handle applications and petitions for legal status, decide who can enter and stay in the U.S., and enforce U.S. immigration laws.

Incorporation Law

Incorporation Law Description: Incorporation is the process by which a business receives a charter, allowing it to become a corporation. While a discussion with your attorney and/or tax advisor to determine the value of incorporating for your business is recommended, it is not necessary to employ the services of an attorney to form a corporation.

Injury (Personal) Law

Personal Injury Law description: Personal injury lawyers represent individuals who have been injured or have a loved one that has been injured due to the fault of someone else. Examples of personal injury law topics include motor vehicle accidents, animal bites, prescription medication, lead toxicity, toxic substances, wrongful death, workers' compensation, premises liability, slip and fall accidents.

Internet Law

Internet Law Description: Internet Law encompasses all cases, statutes, and constitutional provisions that impact persons and institutions when they go online. Issues include free speech, intellectual property, privacy, safety, equity, jurisdiction, and e-commerce.

The balance between First Amendment freedom of expression and copyright creates a problem which cannot be solved easily in the field of Internet Law. The Internet is a medium that promotes freedom of expression as an interactive service of communication and social interaction.

Perhaps one of the biggest issues in Internet Law is the ongoing disputes involving music piracy, or illegally downloading music files from the Internet. The music industry is involved in an intense effort to find ways to protect and license the use of music over the internet.

There are also numerous cases pending before courts around the country regarding the legality of linking. In a recent case between Ticketmaster & Microsoft, a federal court judge in California ruled that linking does not infringe upon the linked site's copyright.

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Insurance Law

Insurance Law Description: Insurance law covers legal representation on insurance issues. Examples include, insurance coverage disputes, insurance dispute litigation, brokers and agents disputes, insurance regulatory and compliance issues.

Intellectual Property Law

Intellectual Property Law Description: Intellectual Property is any product of human intellect that is unique and un-obvious with some value in the marketplace. Intellectual property laws cover ideas, inventions, literary creations, unique names, business models, industrial processes, computer program code, and more. Intellectual Property law is primarily an umbrella term for three distinct areas of the law: Copyright, Trademark and Patent. Intellectual Property also deals with publicity rights, misappropriation, and unfair competition.

Copyright: A copyright is an intangible right granted to the author or originator of certain literary or artistic productions, where he or she is invested, for a limited period, with the sole, exclusive privilege of multiplying copies and publishing and selling them. Copyright protection subsists in original works of authorship in the following categories: literary works, musical works and accompanying words, dramatic works, pantomimes and choreographed work, pictorial, graphic, and sculptural works, motion pictures, and sound recordings, among others.

Misappropriation: Misappropriation is the act of taking and using another's (intellectual) property for the sole purpose of capitalizing unfairly on the good will and reputation of the property owner.

Patent: A patent is the grant of a property right to the inventor, issued by the Patent and Trademark Office. The term of a new patent is usually 20 years from the date on which the application for the patent was filed in the United States. The right of a patent is the right to exclude others from making, using, offering for sale, or selling the invention in the United States.

Publicity Rights: Publicity rights are the rights a famous person gains, which is the right to profit from the exploitation of his or her name or image for purposes of advertising or trade.

Trademark: A trademark includes any word, name, symbol, or device, or any combination thereof used by a person to identify and distinguish his or her goods from those manufactured or sold by others and to indicate the source of the goods, even if that source is unknown.

Unfair Competition: Unfair competition is primarily comprised of torts that cause an economic injury to a business, through a deceptive or wrongful business practice.

International Law

International Law Description: International Law involves legal representation on issues that involve the laws of a country other than the United States. Examples include international business transactions, international company acquisitions, international contract negotiations, international tax consequences and international law and treaty compliance.

Landlord Tenant Law

Landlord Tenant Law: In the most general sense, landlord-tenant law governs the relationships between an owner, or landlord, of a home and the person who is renting the home as a residence - the tenant. The law covers both residential and commercial property.

Lease: The lease is probably the most important item governing the landlord tenant relationship. The lease is the legal agreement, or contract, between the landlord and tenant. The lease spells out the tenant's rights, and allows the tenant to use the property for a specified period of time. The lease sets the terms, the rent amount, the length of the tenancy, and all the other rules.

If you have a lease, you cannot be evicted without cause during the term of your lease. Also, rent cannot be raised for the duration of the lease.

If you don't have a lease, then you are a tenant at will. This means that you have a month-to-month agreement with the landlord, and, in general, can vacate or be evicted with one month's notice. A landlord also cannot raise the rent on a tenant at will unless the landlord gives one month's notice.

Lemon Laws

Lemon Law Description: Lemon Laws protect new passenger vehicles. Lemon laws vary from state to state. Check with your state to find out your rights if you have a defective vehicle.

Basically, lemon laws allow customers to return a defective car if certain criteria are met. It's very difficult to persuade the manufacturer to accept the lemon law return, and often the issue will end up as a lemon lawsuit.

Although different for each state, most lemon laws state that a new car may be returned to the manufacturer for a refund or a replacement if warranty defects are not able to be repaired. Most lemon laws also apply to used cars that are still under full warranty and that meet the mileage and time requirements. A lemon law attorney can help advise you of your rights.

Lemon Law Guidelines: Here are some guidelines for knowing whether or not your car is a lemon: Does the vehicle have a serious defect or abnormal condition; is the defect or condition covered by a manufacturer's written warranty? Have you reported the defect or condition to the dealer or manufacturer within the warranty term? Have you given the dealer or manufacturer a reasonable number of attempts to repair the defect or condition? Have you given the owner gives the manufacturer written notice of the defect and at least one opportunity for repair? Does the defect or condition persists and substantially impairs the vehicle's use or market value or creates a serious safety hazard?

Lemon Law Buy Back: Lemon Law Buy Backs are automobiles that the manufacturer has purchased back from an individual under the lemon law. The manufacture then fixes the problem and sells them at auto auctions as used cars.

Magnuson-Moss Warranty Act of 1975: The Magnuson-Moss Warranty is a Federal Trade Commission law stating that an advertised guarantee must disclose relevant information about a warranty. The act also requires written express warranties for goods costing over \$10 to be labeled as full or limited, and requires written express warranties for goods costing over \$15 to be made available to read before purchasing and easy to understand. The law provides that a buyer who has been damaged by a supplier, warrantor, or service contractor may bring suit for damages and other legal and equitable relief.

Medical Malpractice Law

Medical Malpractice Law definition: Medical Malpractice is a term to signify bad or unskillful practice by a physician or other professional in which the health or welfare of the patient or client is injured. The failure of a professional to follow the accepted standards of practice of his or her profession is considered medical malpractice.

Medical malpractice in general is any act or failure to act by a member of the medical profession that results in harm, injury, distress, prolonged physical or mental suffering, or the termination of life to a patient while that patient is under the care of that medical professional. Usually harm must be proven to have occurred to constitute medical malpractice.

To prove a medical malpractice claim, the patient must prove the health care provider did not comply with an acceptable and reasonable standard of medical care in their specialty, and that this failure was the cause of the patient's harm.

Military Law

Military Law Description: Military lawyers represent members of the armed services in matters that are in the jurisdiction of a military proceeding including court martials and other military law disciplinary proceedings.

Paralegals

Paralegal: The National Federation of Paralegal Association defines a paralegal as a person qualified through education, training or work experience to perform substantive legal work requiring knowledge of legal concepts. A paralegal may be retained or employed by a lawyer, law office, governmental agency or other entity or may be authorized by administrative, statutory or court authority to perform this work. Paralegals are also known as legal assistants.

The American Bar Association defines as paralegal "a person qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity who performs specifically delegated substantive legal work for which a lawyer is responsible."

A paralegal cannot, however, practice law without a license, nor can a paralegal offer legal advice, accept clients, or set fees. Paralegals cannot be licensed or registered as paralegals. Paralegals, however, can obtain a paralegal certification through paralegal education programs. Paralegals can have the option of specializing in a certain type of law.

Paralegals can, and do, interview clients, investigate cases, draft documents, and research the law. A paralegal also can maintain case materials, draft legal contracts, prepare trial notebooks, and research real estate titles and prepare documents for closings.

Often, paralegals are billed to clients just as lawyers are, but at a lower rate.

Probate Law, Trusts, & Estate Law

Probate Law Description: Estate planning, trust and probate law is the practice of law dealing with the protection and disposition of a assets, as well as the protection of the property and provisions for the personal needs of individuals unable to handle their own affairs by reason of age, illness, or other incapacity.

Real Estate Law & Property Law

Real Estate Law & Property Law Description: Real estate law deals with real estate, or property, which encompasses anything permanently affixed to land, such as buildings, fences, light fixtures, plumbing fixtures, or other items that would be personal property if not attached.

Real estate transactions are governed by a large number of federal statutes and state laws. These laws can differ drastically from state to state.

The Statute of Frauds - a contract term - requires that all contracts for the sale of property be in writing.

People who market real estate, or real estate brokers, are generally subject to rigorous licensing standards established by each state. A real estate broker's primary function is to connect either the seller who is seeking to sell the property or the buyer who is seeking to purchase the property together. As an agent, a broker or salesperson has duties and obligations to the person who hired him or her. The real estate is not required to guarantee or warranty the property or any of the features of the property. If an agreement to purchase the property is made, that agreement is strictly between the seller and buyer. The broker is not a party to that agreement and makes no contractual promises about the property.

Before title to real estate can be sold to someone else, it must be marketable - in other words, the title to the property must be free and clear of all encumbrances, liens, clouds, the risks of litigation, or other title defects. This allows the owner of the property to sell it and others to accept it without objection.

To ensure marketable title, a title search should be performed. A title search is a process where someone searches the public records in the city or town where a piece of property is located. The searcher will go through the grantor and grantee indexes and examine the documents recorded in the land registry concerning that particular piece of property. A title search generally includes mapping a chain of title by examining all the recorded deeds concerning the property. A chain of title is established by determining that the present owner received valid title from the prior owner, and the prior owner received valid title from that prior owner on down the line for a certain number of years. The title searcher will determine if there are any encumbrances on the property, such as mortgages. If there are no encumbrances, the title is "good and marketable."

During a title search, several key things are examined. For instance, mortgages, real estate taxes, liens for sewers, roadways, sidewalks, and other municipal improvements, federal taxes, government claims, legal judgments, foreclosures, condemnations, covenants, and easements.

After a title search is performed, title insurance can be purchased to protect against anything that might have been missed. Title Insurance is a contract between the insured and a title company. Under the terms of the contract the insured agrees to pay a premium and the title company agrees to defend the title or pay losses the insured may suffer if the title is challenged or defective. Title insurance basically protects against defects such as prior fraud or forgery that might go undetected until after closing and possibly jeopardize ownership.

After title has officially passed, in most states, the deed must be recorded at the Registry of Deeds. Recording the deed officially establishes ownership and provides notice to others that you are the owner.

Real Estate transactions are governed by the Federal Fair Housing Act. The prohibits discrimination in the sale or renting of housing because of race or color, national origin, religion, sex, familial status, and handicap The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members. Basically, the Fair Housing Act.

The most common method of financing real estate transactions are through mortgages. A mortgage is basically just a loan to finance the real estate. The home is collateral for the loan. One who takes out a mortgage is legally required to pay the debt, with interest and other costs, typically over 15 to 30 years. If the loan is not repaid, the lender has the right to take back the property and sell it to cover the debt.

Securities Law

Securities Law Description: Securities law regulates the exchange and issuance of stock shares from publicly held corporations and privately held corporations, and the conduct of stock brokers and exchanges.

A security is any note, stock, bond, interest in or participation in a profit-sharing agreement, investment contract, voting trust certificate, interest in oil, gas or other mineral rights, or any warrant, preemptive right, option to subscribe or purchase any of the above. In other words, a security is a monetary interest in a company.

The Securities and Exchange Commission regulates the securities industry on the federal level. Two federal rules largely regulate the entire industry, the Securities Act of 1933, and the Securities Exchange Act of 1934.

The Securities Act of 1933 ensures adequate disclosure by corporations when they offer their securities. The Securities Exchange Act of 1934 deals primarily with stock trading, - the buying and selling of securities after they are issued. The Securities Exchange Act of 1934 requires that issuers register with SEC if they want to have their securities traded on a national exchange. They then must file various reports with SEC in order to provide the public with adequate information about companies with publicly traded stocks.

Tax Law

Tax Law Description: Tax law involves the taxation of income and property acquired through personal and professional efforts. In addition to income tax, there is sales tax, gift tax, inheritance tax, capital gains tax, property tax, and a myriad of other areas of tax.

Tax law is divided into both federal tax and state tax. Federal Income tax became law in 1913 when the Sixteenth Amendment to the U.S. Constitution was ratified. While some states do not have an income tax, all residents and citizens of the United States are subject to federal income tax. The more assets that an individual owns, unfortunately, the more complicated the tax law becomes.

Congress writes the tax laws, which become part of the tax code. The Internal Revenue Service (IRS) is charged with interpreting the tax code. The IRS is a branch of the U.S. Treasury Department, with headquarters in Washington, D.C., and is ruled by a commissioner appointed by the President. Regional commissioners and district directors, also political appointees, oversee IRS operations. There are also service centers located in Andover, Mass., Atlanta, Austin, Cincinnati, Fresno, Holtsville, Kansas City, Memphis, Ogden and Philadelphia. Each center has its own computer that mails out tax notices, collection notices, audit notices, and tax forms.

Every person liable for income tax must maintain books and records sufficient to establish the amount of his gross income. The Secretary of the Treasury is authorized and has great latitude in reconstructing income in accordance with any reasonable method that accurately reflects actual income.

There are scores of deductions and credits that taxpayers can qualify for, including the earned income tax credit, child tax credit, and deductions and credits for college education.

Transportation Law

Transportation Law Description: Transportation law encompasses the legal aspects of all modes of transportation and shipping.

Workers Compensation

Workers compensation definition: Workers' Compensation laws are designed to protect employees who are injured on the job. These injured employees are provided with fixed monetary awards covered under workers compensation, thus eliminating the need for excessive litigation.