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Mary Hodgson - Civil litigation: what's in it for me?

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Civil or commercial litigation can cover an incredibly wide spectrum of work, from advising an individual on a defective item he or she purchased, to acting for a bank seeking to investigate a fraud which incorporates international elements, breach of contract and professional negligence. Work can range from small contractual disputes where one party hasn't done what they were supposed to do, to claims against a financial adviser who put his clients' money in high-risk investments when they wanted low-risk certainty.

Why become a civil litigator?

The reasons are many. Become a civil litigator to solve people's problems in a creative way, to never have two days the same and to gain in-depth knowledge of a variety of different fields within the law and your clients' industries. Become a civil litigator if you enjoy picking apart an argument, are well organised and can handle giving people the bad news as well as the good.

Become a civil litigator if you don't mind ending up risk averse, as the person who questions everything and having your boyfriend/girlfriend growl that you "don't always have to be a lawyer about everything" when you set out in five distinct points why their argument makes no sense.

But you do need to be robust. No one likes criticism, but as a litigator you should expect to have your position, client and conduct of the case ripped apart and questioned by your opponent - in writing, in meetings and before a judge. It can take a bit of getting used to, but you come to realise that it's not personal, which is also why correspondence goes out in the firm's name rather than in the name of the individual solicitor.

What are civil litigators like?

There is a misconception that litigators are abrasive and argumentative - that isn't necessarily the case. Many seek to avoid conflict where possible, instead seeking alternative ways to solve problems or approach situations. Many firms now refer to their litigation departments as 'dispute resolution', which reflects the fact that there is more than one way to deal with a claim and that litigation (the formal court process) is not the be-all and end-all. That said, most litigators relish a good argument.

Litigators are often fairly academic: it is necessary to research cases, distinguish the ones which don't support your client's position and use the ones which do help to set out in rigorous detail why the other side's case is wrong. Lateral and creative thinking is crucial.

Attention to detail and an analytical nature are important: preparing witness statements is about telling the client's story in detail and, where possible, supported by documentary evidence. There is no room for assumption or guess-work when preparing anything which features a statement of truth. This sort of work requires a level of attention to detail bordering on pedantry.

What's the job like?

The job (like most) can be monotonous when you're wading through a disclosure exercise for months, considering thousands of documents, listing them and assessing whether they are relevant to the case. It can also be incredibly exciting when you win a closely-fought case at trial or manage to negotiate a generous settlement for your client.

The hours can be long, but tend to be longest when you're involved in something urgent and important. The excitement can help to provide motivation when it's midnight and you've just missed dinner with a friend. There are the inevitable days when your client calls with something urgent just as you're about to leave. You learn what can be left until tomorrow, but recent case law makes clear that a court-imposed deadline cannot be missed, no matter how late you found out about it.

The job can be fairly high pressure for many different reasons: you might be involved in a high-value case involving complicated legal arguments or be representing a client who is fighting on a point of principle which has become the centre of their world; or you might be instructed to act on a case which requires 48-hours-worth of work to be completed in 24 hours. There are cases you want to win more than others, whether for a client you particularly like or because the legal point is important. In these instances you put the pressure on yourself.

No two days are alike because no two cases are alike. Being a civil litigator is sometimes frustrating, sometimes boring and sometimes the best job in the world.

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