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## **“Running for the Border?”**

by [John Campbell](#)

Babies are born, houses are more affordable, high school sweetheart relations are renewed – as a result, we move from one state to another. Massachusetts to Vermont. Illinois to Wisconsin. California to Arizona. Maybe even Florida to Oregon. It happens all the time. But, we’re licensed professionals. Relocating and settling into the practice of law in a new state has its challenges. About ten months ago, I was a New York attorney with no kids. I had a handful of cases in New Jersey. Now, I am a proud father of a little boy and a New Jersey attorney with more than a few cases. This article addresses my preparation in moving from one jurisdiction to another and the lessons I’ve learned.



### **Become the Other State Guy**

Many young lawyers sat for two bar exams and hold licenses to practice in more than one state. However, it’s difficult for us to get an opportunity to work towards mastering our craft in each state. If you anticipate moving from one state to another, set yourself apart and seek work in the other state.

Law firms aren’t in the business of turning work away and plenty of business developers are also admitted in two states. As a result, work continually comes into our offices requiring associate work in another jurisdiction. Get involved in that out of state work. Advance to the assigning attorney your admission to that other state, the practical course you completed in law school, and any experience you may already have.

Show off your knowledge regarding the substantial differences between your home state and the other state. Perhaps you predominately work in a Daubert state, but the other jurisdiction continues to rely on Frye. If the assigning attorney is accustomed to knocking junk science out of the courtroom, a reminder regarding the Frye standards might just do the trick. Or, the plaintiff’s injury occurred on the job and the knee jerk reaction is to bring suit against the employer – an allowable practice according to the workers’ compensation standards of your state. However, the other state only allows causes of action against employers for gross negligence and your preliminary investigation did not reveal facts supporting such a claim. The ability to identify some of the substantive differences between the states can go a long way in assuring your involvement.

If you’re not ready to identify substantive issues, you can start by covering court appearances. Maybe you live closer to the courthouse than the assigning attorney. It’s to the client’s benefit that you, rather than the partner, log highway miles crossing state borders just to hash out the deadline for plaintiff’s responses to interrogatories.

Volunteer to cover any and all court appearances.

### **Learn the Rules – Written and Unwritten**

The rule book is an obvious start. Normally you subtract three years from the complaint's filing date to check the statute of limitations. But, maybe it's two years in the other jurisdiction. Do you have 30 or 35 days to answer? If you're entirely unfamiliar with the rules, track down a regularly used secondary source, treatise, or other cheat sheet practitioners regularly rely upon. Law school outlines are another resource. Perhaps you're the author or can obtain one from a friend of a friend – just knock off the dust and make sure it's up to date. Confirming the outline's contents (just as in school) can be the best exercise available to learn the rules.

Knowing and abiding by the written rules ensures good defense work. Knowing and abiding by the unwritten rules ensures that you blend as an in-state practitioner with your adversary and co-defendants. Identify and grasp all differences that you encounter in the other state practice. Do attorneys submit Affirmations or Certifications in support of a motion? Are adjournments and extensions regularly consented to? When appearing in court, is it appropriate to call out your case name to find your adversary or do you quietly wait for the clerk? Are case citations underlined or italicized? Yes, some of these issues may seem silly and down right unimportant, but then again, appearing as if you've done this before is significant. To learn these unwritten rules, review samples, identify well drafted papers from adversaries, ask questions to senior attorneys and support staff – it will come as you go.

### **Know the Community – Legal and Non-Legal**

Law journals are now regularly available online. Of course, some require paid for usernames and passwords, but often times you can get by with article titles and lead in blurbs. You belong to DRI, but do you know what's going on in the other state's bar association? Which big firm just leased the new building overlooking the water? Which trial judge is retiring? The new governor made his fortune in plaintiff's personal injury work, but will he really block all tort reform measures? Maybe this isn't water cooler conversation within the state where you regularly practice, but it is across the border.

Of course not all idle chit chat involves our fine profession. You'll encounter conversations requiring local knowledge just as frequently as you'll discuss the merits of your case. Everyone in the home office is excited that LeBron has extended his contract to stay with the Cavs at least until he reaches the ripe age of 27. Your out of state practice, however, brings you to the Pittsburgh area and all conversation still revolves around Rothenberger's future and motorcycle safety. Know local sports, recreation, entertainment, traffic, construction and real estate news. It will come in handy while you and the other attorneys wait in the hallway.

## About the Author

**John P. Campbell** is an associate with Schenck, Price, Smith & King, LLP in Morristown, New Jersey. He defends clients in various product liability, general negligence, insurance coverage, and contract disputes. John has previously written for eNews, the Newsletter of the DRI Technology Committee.

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