

**Bridge the Gap Mentoring Program
Career Paths for Attorneys
Resource 16**

Resource 16 will facilitate a discussion about difference career paths for lawyers, the environments in different types of practice settings, and the resources for exploring career options.

- Discuss the different types of law practice. For example, government or public office, private practice, large firm vs. small firm vs. solo practice, corporate, environmental, the judiciary, legal aid type services and non-traditional legal positions.
- Share with the new lawyer your experiences and the different practice setting environments in which you have worked. Invite other experienced lawyers to discuss with you and the new lawyer his or her experiences in different practice settings.
- If the mentor specializes in an area of practice, share with the new lawyer how you acquired the expertise in that area. Why did you choose to practice in that concentration? Discuss how to secure a position in your practice concentration.
- Describe to the new lawyer your typical day with respect to things such as court appearances, trial work research and writing, client contact, discovery, mediation/dispute resolution, hours/vacation/benefits/quality of life, etc.
- Share with the new lawyer what you enjoy most and least about your practice areas. What or who was most instrumental in your developing practice expertise? What has been your greatest achievement?
- If the new lawyer is not in the type of practice he or she would like to be in long-term, the mentor may try to introduce the new lawyer to lawyers in the field he or she would like to explore.
- Discuss networking opportunities that would coincide with the new lawyer' objectives.
- Share with the new lawyer tips for succeeding in the practice of law, especially in the practice setting in which the new lawyer works. Discuss suggestions made in the attached articles. Levy, David. "Surviving Your "Junioring" Years." Law Practice Today March. 2005. Kennedy, Dennis. (SEE RESOURCE 15.) "Twenty Lessons for Lawyers Starting their Careers." Law Practice Today March. 2005. Drummer, David. "10 Survival Tips for New Associates." Law Jobs. Law Jobs, <http://www.lawjobs.com/newsandviews/lawarticle.jsp> Bennett, Steven. "How to Commit Career Suicide." May 2008. <http://www.law.com/jsp/article.jsp> and Pasternak, Petra. "How New Lawyers can Choose Assignments Wisely." Nov. 2007. <http://www.law.com/jsp/pubarticlellf.jsp>

Resource 16



April 2011


LAW PRACTICE MANAGEMENT SECTION
MARKETING • MANAGEMENT • FINANCIAL • TECHNOLOGY

Law Practice TODAY

Twenty Lessons for Lawyers Starting Their Careers

Dennis Kennedy

March 2005

Nobody hands you an instruction manual or a playbook when you start your legal career. Much of what you need to know is not told to you. Much of what you need to know is learned the hard way, often from making mistakes. Sometimes you are being evaluated on how well you perform when no one gives you instructions and sometimes it's just the case that no one is giving you any instructions.

In my legal career, I've been in big firms and smaller firms. I've been a summer associate, an associate and a partner. I've run a firm's summer program and I've been involved in hiring. I've seen a lot and, from time to time, I've tried to put together the lessons I've learned.

Sometimes you are not ready for the lesson. Sometimes you think you know the lesson, but you later realize that there was a different lesson that you weren't able to see until later. Some lessons are painful, but many come from other lawyer's generously sharing their experiences.

In the spirit of sharing lessons, I offer 20 lessons I now think that I have learned about starting the practice of law and, in particular, working at a law firm.

1. Learn the culture. Your most important job from the time you accept a job is to learn the culture of the organization you are joining. Although most people focus so much on getting the job that they neglect to notice much about the culture of a firm before they start, it is a good idea to make some observations about the culture of a firm even in the interviews. After you start working at firm, you want to put a lot of effort into learning the culture of the firm.

The “myths” and “legends” of the firm can help you out. If the managing partners of the firm shared a table in the library for their first few years in the firm, you'll want to hesitate before you demand new furniture. An oft-repeated tale of a female partner who called into the office within an hour of giving birth to a child can give you a clue as to what lawyers will think of your request for substantial paternity leave.

You'll want to learn what to wear, what hours you really need to work, whose opinions matter most and, especially, what major mistakes that associates who are no longer with the firm made. You will also want to start to develop a sense of what partners have in common, what made them partners and whether any of those things appeal or apply to you.

How do you do this? Talk to people and listen carefully to the stories. I recommend starting with the people who interviewed you. It's safe to assume that they liked you. Make efforts to know people outside your department. If you have to work on Saturdays, don't be afraid to stop by someone's office and introduce yourself and ask them about themselves and what they like about the firm. Get them to tell you stories.

Resource 16

Copyright year 2005 ABA

2. Begin the search for a mentor. The one thing that became crystal clear to me is that your success and happiness in law or any other profession depends on finding and maintaining mentor relationships. Over the long term, finding a mentor is the most important thing you can do when starting your career.

Despite books and articles that have been written about how to find mentors or, worse, how to put someone on the spot and ask him or her to be your mentor, finding a mentor is a mysterious process that takes time and often evolves organically.

In the interview process, you are likely to see people who may one day fit the bill. I wouldn't "target" them, but I would make an effort to get to know them and to work with them. There can be disappointments – people aren't what they seem, great attorneys may not be great people, and, as I found, people do die unexpectedly.

You want to find that person who can teach you not only the law, but ethics, respect for people and the law, honor and the "little" things like that. You want to hear their stories, understand their insights, and earn and experience their faith in you. In the right case, the right person will be willing to share all that. There's no more important key to your career. There's a great Eastern proverb I'm fond of: "when the student is ready, the teacher will come." Prepare yourself to be ready.

3. You get all the feedback you ask for. Feedback means different things to different people. In four years of running a summer program for my old firm, I spent a lot of time talking about "recognizing" feedback. This is another reason why learning the culture of your firm and the traits of individual attorneys is so important. Many attorneys will say nothing about your work and continue to give you more and more work. To you, this can be frustrating. In their minds, they have given you the highest form of feedback. "If I didn't like the work, I wouldn't give them more." They don't realize that most of us need to hear the words.

Even for the well-intentioned lawyer, demands get in the way of providing the kind of feedback attorneys want to give. Remember to ask. No one really minds someone who is sincere asking for a few minutes to talk about an assignment.

Don't make assumptions about the feedback you get. A hearty "great job" and no specific comments may disguise the fact someone can't believe what a poor job you did and just wants to get you moved on to someone else. I was notorious for telling people sincerely that they had done an excellent job and handing a document back to them in which it seemed I had changed something in every sentence. I was utterly sincere – they had done a great job in giving me something I could easily tailor to *my* audience. I had to work on my presentation to convey my message in a better way.

Assigning attorneys often want you to produce something that advances the process, gives them something to work with and allows them a good framework to make stylistic changes for the intended audience. I learned that it can be hard for people to hear the compliments when all they see is a sea of corrections.

A good pointer is to be persistent in asking for specifics. You need to ask why something is a good job when you can't see why it is. Learning from others about an attorney's style can be a big help.

4. Write for the right audience. Nothing gets new lawyers into more trouble than writing for the wrong audience. An attorney who wants a 3-page memo will never be happy with a memo that looks like a law review article, no matter how good it may be. Writing for clients is an art. Unfortunately, none of this is typically learned in law school.

The key: look at models. Ask for a letter like the one you are supposed to write. Ask the assigning attorney for an example of a memo he or she liked. Talk about who the intended audience is. Then, make sure that you do what the assigning attorney tells you he or she wants.

When I ran a summer program, I gave my own independent evaluation of the summer interns' written work by

taking it home the night before the review and reading it all at once with the TV on before I went to bed. I felt that that approach gave me the perspective of a typical harried, tired and distracted attorney who wanted to know what the main points are. If I could tell what the memo was about and what its main points were, I knew someone had done a great job. Be clear, concise and make it easier to find your main points and conclusions. Oh, yeah, attorneys really are looking for your conclusions. Remember to give them.

5. Learn the lines of gossip and be careful. It always amazed me that even after I warned them about revealing too much of their personal lives, I'd see summer associates and young attorneys talking about the travails of his or her love life, his or her latest hangover, and teenage indiscretions with the very staff members who were most likely to spread the story all over the place and to either distort or embellish it in the process. Use good judgment. In any firm, you should assume that the personal secrets you disclose will make the rounds of the firm quickly in a somewhat distorted form that will emphasize the scandalous aspects. That's not a comment on any person or any firm; it just happens. Let me repeat a word that you want to know and understand: JUDGMENT.

6. The first few months will be physically exhausting. The biggest surprise new attorneys have is how physically tiring it is to work. This may come as a surprise, but sitting at a desk working all day, often ten hours or more a day, will wear you out until you get accustomed to it. This happens to everyone.

You get tired in the afternoon and soon find that you are nodding off at home at 8:00 at night on a regular basis. I don't know many young attorneys who didn't think that they were getting mono after their first few months of work. You get used to it, but it takes a while. Physical exercise, going out to lunch, and walking around the office to take a break can help.

7. Be yourself . . . within reason. Everybody wants to be their own person, but you have to use common sense and good judgment.

Surprisingly, the worst mistake you can make is to try to fit yourself into what you imagine the organization's mode to be. First, you won't get it right. Second, you'll give people a sense that you are inauthentic.

Here's an example. A friend of mine and I became partners in my old firm at about the same time. The only thing we clearly had in common was that we both came in very early in the morning and there were only a few lawyers who did that. Shortly thereafter, the early morning hours were populated by bleary-eyed associates who decided that early morning hours were a key to the partnership mix. They came to their senses fairly quickly.

There are many ways to express yourself as an individual within the framework of the normal culture of the firm. You can buy many different shades of gray suits, for example. Seriously, though, a big issue in any organization is "fit." You do a disservice to yourself and to the firm by not being yourself.

Life is short – you don't want to trap yourself at a place that doesn't fit you. Remember that it is possible that you made the wrong choice of employers.

8. Attitude matters. A general rule of thumb is that an attitude of entitlement will kill your chances at most firms. Your work is just beginning – lawyers don't really respect the work you did in law school. You are definitely back at square one and have to prove yourself all over again.

An attitude that indicates that you have made it, that you are ready to reap the benefits of your education immediately and a sense that you don't have something else to earn, will cause you nothing but problems. You want to be self-confident, but humble, willing to learn, respectful of your position and ready to work.

Imagine two new attorneys doing the identical work on a document and the documents having identical typos and mistakes. If you have a good attitude, communicate with the assigning attorney and show a willingness to learn, I guarantee that the worst comment you'll get is that it was a good effort. If you have a "bad" attitude, act like you know it all and that the project is beneath you, you risk someone questioning whether you even have the ability to be a lawyer.

9. Learn your place in the pecking order. I used to joke in the hiring process that we should hire military veterans because they knew that you started at the bottom and earned your way up the ladder. Resist the inclination to see yourself on a level well above paralegals, secretaries and staff.

Everyone plays a different role and the values of these roles are not determined by title. If you've been at a firm for a few months and get into a situation where you force a partner to choose between supporting you or the secretary he or she has had for ten years and relies on in ways you can't even imagine (until you have a secretary you rely on for ten years), I guarantee that 100% of the time the partner will support the secretary. It's a showdown you can't win – don't try to force it.

Classic mistake: a partner assigns a project to you that you know in your heart is "paralegal work." You stew about it for a while, talk to other associates who commiserate you, and, almost inevitably, walk down to a paralegal where you all but throw the assignment on his or her desk as you "delegate" the project back to the paralegal.

In almost every case, one thing has happened and three other things will happen. The assigning attorney has already had a discussion with the paralegal and there is a reason you got the work. The second thing is that before you get back to your desk, the paralegal will be telling the assigning attorney what you did. The third thing is that you will soon get a pointed lecture on how projects given to you are meant to be done by you. The fourth thing is that the next time the paralegal has a choice of making your job easier or harder, he or she will probably let you take the more difficult route.

10. Trivial-seeming projects are given to you for a reason. Many attorneys spent their early years doing work that is now routinely done by paralegals. Trips to the court to file documents allowed them to learn procedures and make friends at the court. Recording deeds and searching land records allowed them to learn the processes involved. Trips to distant courts got them out of the office for a few hours. I have fond memories of this and it baffles me how some young attorneys seem to want to duck this type of work.

You'll later learn that more thought than you ever imagined went into the choice of projects you were given and that there is a training process going on. Don't get indignant that you are a lawyer and feel that above certain assignments – look for lessons to learn. There are plenty of them.

11. Make life a little easier for older attorneys. I gradually grew to realize that many older lawyers are uncomfortable with one-on-one lunches, especially with members of the opposite sex or people young enough to be their children. It's a cultural thing, but it helps to respect it. Invite a group of people or include a peer. They may well be more uncomfortable than you are.

12. Don't turn in rough drafts. Almost every attorney has a story to illustrate this point. My story is fairly common. On the last day I worked before heading off for Christmas vacation during law school, an attorney asked me to do a rush project that he had to deal with the next day. I explained my situation and he said, "That's fine. Give me whatever you find, your handwritten notes, anything, I don't care if it's typed. I'd rather that I just get your research." On my return, I found that he hadn't looked at the materials I gave him for two weeks and, when he did, complained to everyone about the unprofessional work I had done and his disbelief that I'd given him anything handwritten. Well, you live and learn. Get things polished up. With computers, hardly any young attorney ever writes anything in longhand, so this little rite of passage may be disappearing.

The moral of the story: get written work into as polished and as standard a form as you can and at least write "draft" across the top.

13. Make the IS people your friends. I can assure you that, rightly or wrongly, the technology "needs" of new associates are not at the top of any firm's technology agenda. Don't assume that someone is looking out for your technology interests. In fact, you will undoubtedly see many cases where the best technology goes to people who have the least need to use it.

Meet the IS people. Help them out. When you need some help or there's an opportunity to get better technology, you'll have a sympathetic ear and you'll be talking to the person who can help you out.

14. Learn the best ways to get to talk to individual attorneys. You have a question you need to have answered by the assigning attorney. As far as you can tell, his telephone is glued to his ear. What do you do?

You have to learn strategies. It might be e-mail. It might be a phone call. It might be hanging outside his door like a lost dog until he is off the phone and then charging in. Generally, an attorney's secretary is the best resource, but talk to others who do work for the attorney. You'll find that those in the know will have ways to get his or her attention. You need to learn how to be one of those in the know.

15. Speaking at client meetings. You see more young attorneys go up in flames in this situation than any other. Understand that the client sees you as expensive surplusage in the meeting and doesn't really want to see you there. You don't want to remind clients why they think that way. You can also cause a lot of problems in ways that you simply will not be able understand until several years later when you are at a different firm.

Here are a few good rules:

Speak only when spoken to. I always believed that you went into the meeting with the client seeing you as the bright, young (although expensive) attorney. It's easier than you think to change that opinion for the worse.

There is no joke that you can tell that will be a guaranteed winner. Don't even think about taking the risk.

Never correct the lead attorney no matter how wrong you think he or she is. It's more likely that you are wrong. Mention it after the meeting – the attorney will make the call to the client if a correction is necessary. If you have an established relationship with an attorney, you might have ways to raise a question so that the attorney has a chance to reconsider, but be careful. If you notice that another lawyer is calling the client by the wrong name or referring to the wrong case, you might want to slip a note under his or her nose.

Most of the time, you will be invited to attend a meeting to take notes and to observe and learn how to conduct a meeting. Do that. The fact that you won the client counseling competition in law school does not give you a license to think you've learned it all.

If you are asked to summarize your research for a client, try to hit the main points and finish within a minute. If the client has further questions, he or she will ask. Almost no client will want to hear about the fascinating distinction you've found between two obscure cases on a tangential point. The client is thinking action steps and doesn't want to be reminded about how much they are paying for you to research obscure point and talk in a language he or she can't understand.

The bottom line: talk with the lead attorney about what he or she wants you to do in the meeting.

16. Report back after a few hours. If your project is taking too long, let the assigning attorney know. You'll get mixed signals on many projects. An attorney will say that the research will take about two hours, but that you have to be sure to get the right answer, no matter what. Forty hours later, you may have your answer, but when the attorney sees your time record, he or she will hit the roof.

Give a status report. Ask for more direction. Re-engage the attorney in the project. Make sure you understand what is being asked.

By the way, if the research would have taken a few minutes or hours, the attorney would have done it himself or herself. You should expect not to find easy answers. Also, it is really difficult for experienced attorneys to estimate accurately how long it will take a young attorney to do a project.

17. The two-year rule. I learned that it takes about two years of practice to feel like your getting the hang of

things. Unfortunately, about two years later, realize that you really didn't know very much two years earlier. However, it is a significant and confidence-building milestone in your career.

18. Think about Tom Peters' resume rule. In his book, *The Circle of Innovation*, Tom Peters talks about looking at your resume on a regular basis and assessing at least annually what you've added in the way of specific projects to your resume. Think of the three or four resume-enhancing projects that you've done each year and write short summaries of each of them and your role in them. It is wise to update your resume every year, even if you are not actively looking for a job. I suggest that you keep that updated resume on your home computer and not on the office network.

19. Keep developing networks. For many reasons, young lawyers change jobs frequently. Don't get so caught up in the law firm's cocoon that you neglect outside relationships that can help you if you have to leave or the firm merges or changes drastically. Bar activities and alumni networks are good ways to proceed.

20. Get involved in the firm. Part of becoming a partner in any firm is getting out of passive "I'm-just-an-employee" way of thinking. You want to be at a place where you feel like it is *your* firm. One good way to start to get involved is to help out with interviewing. Another thing is to volunteer to be part of committees. Show that you are interested in the firm. Partners like to see associates who are committed to the firm itself and don't give the sense of "just passing through."

Learning the law necessary to do your job is hard enough, but don't neglect the work you need to do to learn how to practice law. Be observant, listen carefully and test your assumptions. You will have plenty of mistakes from which you can learn many of your own lessons, but consider the lessons I learned. I hope that by teaching you some of the lessons I learned, you can have an easier time in some of those areas and concentrate your energies on some of the other areas that deserve your time and attention.

[Back to Top](#)

Dennis Kennedy (dmk@denniskennedy.com) is a well-known legal technology expert, technology lawyer and blogger (<http://www.denniskennedy.com/blog/>). He is an award-winning author and speaker on these topics and a member of the ABA's Law Practice Management Section's TECHSHOW Board, Webzine Board and Council. Earlier versions of some of these lessons appeared in Kimm Alayne Walton's *What Law School Doesn't Teach You: But You Really Need to Know*.

[Current Issue](#) | [About](#) | [Article Archives](#) | [Subscribe](#) | [Advertise](#) | [Contribute](#) | [RSS/XML](#) | [Contact](#)
 © 2003-2005 American Bar Association | [Privacy Statement](#)

lawjobs.com NEWS & VIEWS

Select '**Print**' in your browser menu to print this document.

Copyright 2011. ALM Media Properties, LLC. All rights reserved. *lawjobs.com News & Views*.

Page printed from: *lawjobs.com News & Views*

Resource 16

[Back to Article](#)

Permission Granted Law Jobs 2011

10 Survival Tips for New Associates

David Dummer

2007-12-11 12:00:00 AM

You studied hard in law school, successfully navigated a summer program or externship and passed the bar exam. But how do new associates survive as lawyers in the "real world"?

1. Don't be afraid to be a new associate. While being prepared is incredibly important, it is OK not to know everything -- no one does. Supervising attorneys know that new associates need training. A first-year associate who is uncertain about an assignment should ask questions and seek clarification. Specific, thoughtful inquiries demonstrate attention to the matter at hand and a recognition of one's limits as a brand-new practitioner.

2. Managing supervisors' expectations is half the battle. An important aspect of new associates' jobs is understanding the scope of assignments and meeting deadlines. But projects can take on lives of their own. One lawyer may ask for a deposition outline in one case, while another asks for a response to a temporary restraining order in another. Don't rush to complete both projects when the allotted time makes competently doing so impossible. Keep supervising attorneys aware of time-management obstacles and other issues as they come up, so they can adjust staffing, deadlines and expectations. That kind of open dialogue leads them to perceive the new associate as responsible and prepared rather than sloppy and delinquent.

3. Learn to work with assistants, paralegals and support staff. New lawyers often are used to doing everything themselves, and they fail to utilize the many resources available at their firms. Every person at a firm plays an important role, and developing a strong working relationship with others in the office is critical to a successful career. Partners want to work with associates who complete projects efficiently. Someone who performs administrative tasks rather than utilizing an assistant will spend more time on projects than his or her peers -- resulting in a competitive disadvantage.

Clients will not pay for the time it takes an associate to type, organize files and manage his or her calendar, and an assistant does a better job of those things. In fact, in the beginning, the assistants and paralegals probably know more about the practice of law than the associate does. They are also familiar with the resources and experts within the firm that can make the associate's life easier. For example, they will know when the last mail leaves for the day, how to format a pleading, whether a particular partner hates staples and who can fix computers. Taking advantage of their expertise and

services will make you a better lawyer.

4. *The seeds planted today can make it rain tomorrow.* Being a lawyer involves more than billing hours. As with anything, being well-rounded and connected to the community is important. In fact, many clients now demand it. Make pro bono service and community involvement a habit early on, and it will pay dividends later. As marketing legal services is a long-term process, you will never regret starting early.

CREATIVITY COUNTS

5. *Stay in touch with friends.* Your mother may not be the CEO of a billion-dollar conglomerate, but you can still have a client-development strategy. One way to develop business is to stay in touch with friends from work, college and law school. In a few years, many of them will be potential clients. There are simple ways to do this. Many law school alumni associations have city-specific groups that host functions once or twice a year. These events help maintain relationships with friends and acquaintances with a minimal investment of time. While it is important to focus on work, do not neglect a social life. Take friends to dinner, go to ball games or just hang out. Having fun with friends can be one of the best client-development decisions ever made.

6. *Tap others' knowledge.* As a lawyer, you have the privilege of working with bright people every day. In the beginning, it is not necessary to constantly reinvent the wheel. While the work will require critical thought and exacting research, do not be afraid to ask for forms and samples to reference while tackling assignments. When drafting a motion for summary judgment, consider asking an attorney who is slightly senior if he or she can recommend an example document. Reviewing high-quality work product will help you understand the end goal and give you a feel for the appropriate voice. Understanding expectations is a big part of meeting them. Of course, do not rely solely on the sample, as this can result in stale or inaccurate work product. Be creative and be certain to check that the law or rules have not changed.

7. *Learn the case.* When assigned projects, learn the facts and motives that drive the case. This is an easy way to dramatically increase the quality of the work product. It also makes you an invaluable team member. Although you may not realize it at first, junior associates often have the best command of the facts. For example, you may be the only person who has read all of the key e-mails and reviewed every document in the case. You may also be the person who learns the most about the client's business. Combining this encyclopedic knowledge of the facts with an understanding of the case strategy makes an associate valuable. For this reason, when it is time to attend hearings, prepare witnesses or draft critical motions, your knowledge will make you a natural go-to person (and a likely recipient of increased responsibility).

8. *Be prepared and be early.* When invited to attend meetings, even if they are just with other attorneys in the office, be a few minutes early and be prepared. For example, if you and a partner are calling the client to discuss a contract and a procedural rule, bring the client's phone number, an extra copy of the contract and the rule book to the meeting. If you are assisting a partner during a hearing, bring copies of the cases cited in your brief and a copy of the relevant rules. This tip seems simple, but you will be surprised to see how few people follow it. You will never be chastised for being ready, and

others will notice that you are on top of your game.

9. Know the rules. You may think that the partners know all of the rules and all of the cases. They do not (and neither do you). Always check the relevant statutes and rules. The few minutes you take to carefully read the rules (including the local rules) will save you major headaches down the road. It is much better to discover that the court requires briefs to be triple-spaced and in 14-point font before you file the brief than after. Likewise, knowing that intermediate Saturdays, Sundays and legal holidays are excluded in computing time may prevent an "all-nighter" before a major deadline.

10. Your nameplate is your shingle. Remembering this mantra will help you learn how to operate in the firm setting. In many ways, you are a solo practitioner, and the partners and senior associates in the office are your clients. Think about what makes these clients want to hire you -- consistently good work, value-added creativity and efficiency. Run your office so that you can deliver this type of work product to your clients every day.

David Dummer is a litigation/regulatory associate with Weil, Gotshal & Manges in Dallas, focusing primarily on complex commercial litigation.

LAW.COM

Select **'Print'** in your browser menu to print this document.

Copyright 2011. ALM Media Properties, LLC. All rights reserved

Resource 16

Page printed from: <http://www.law.com>

Permission Granted Law 2011

[Back to Article](#)

How to Commit Career Suicide

Steven C. Bennett

05-08-2008

Most newly minted lawyers (and, probably, quite a few new professionals in other fields) have a touch of the "imposter syndrome," the sense that they really are not competent to serve as professionals and the persistent fear that they will make a serious mistake, which will somehow end their careers.

The truth, as one of my colleagues likes to say, is that junior lawyers are not likely to commit any mistakes so large, and so serious, that the "republic will fail," and their careers will lie in ruins. Most junior mistakes are relatively minor, and most can be corrected.

But a healthy sense of caution is appropriate, even at the most junior levels in the profession. It is possible to commit errors that can get you fired or worse. Here's a quick guide to some of the worst mistakes and some suggestions for how to avoid these potential pitfalls of practice.

COVER UP MISTAKES

Just as in Watergate and Monicagate and all the other scandals of memory, one of the worst parts of any wrong-doing is often the cover-up that occurs after the event. So too in a law firm.

You can (and probably will) send correspondence to the wrong address; or misbill an item of service or cost; or fail to complete all the forms required for some filing; or commit any one of dozens of other rookie mistakes. These are human errors (not to be encouraged, of course, and not to be repeated). But they are not venal sins. What is a venal sin (once you recognize that the error has occurred) is to keep the matter to yourself (perhaps hoping, desperately, that the mistake will somehow not be caught).

In this way, you greatly magnify the error. You may prevent, through inattention, any effective solution to the problem. Privileged or proprietary information may remain in the wrong hands, due to waiver from delay. A client may burn with resentment at perceived overbilling. A filing deadline may pass, harming the client's interests and, potentially, exposing the firm to liability.

Delay in admitting mistakes also gives your supervisors serious reason to question your character and judgment. In effect, if it is clear that you knew about an error and chose to do nothing about it, you suggest that you are "either a fool or a liar." Belated excuses that the error was really someone else's blame (the inattentive secretary or clerk, for example) also may compound the problem. You have responsibility for supervising these people. And your deliberate failure to report the error so that it can be rectified is the problem at that point, not the underlying error (no matter whose "fault" it was in the first place).

ABUSE THE STAFF

Most lawyers work hard, long hours in a large law firm. Most are under some degree of pressure (time constraints, uncertainty as to how to proceed, constant juggling of tasks). None of these conditions is an acceptable excuse for abusing the staff. Deliberately hurtful words (or worse, racist or sexist commentary), screaming tantrums and any form of inappropriate physical contact or intimidation have absolutely no place in a law firm. Offenders, no matter how green, risk much from engaging in such behavior.

A law firm is a community. Support staff talk among themselves. And they talk to the lawyers with whom they work. Do not whistle past the graveyard hoping that some outrageous incident will go unnoticed by your supervisors and firm management.

You may face a formal complaint (or worse, a lawsuit). But even if there is no formal manifestation of complaint, your reputation within the institution will be wounded, perhaps mortally. When support staff do not like you, they can make your work much harder (or simply refuse to work with you). And senior lawyers will inquire why it is that you, among all the other junior lawyers, somehow cannot get along with the staff. Again, assessments of your character and judgment are on the line.

BADMOUTH CLIENTS AND FIRM ADMINISTRATION

A law firm is not a gulag. A diversity of opinions about many aspects of life and the practice of law is, generally, tolerated and encouraged. Indeed, many lawyers find the collegial debate of views among peers in a law firm very stimulating.

But there is a difference between expressing differences of opinion and doing harm to professional relationships. Behind-the-back (and, especially, exaggerated or unfair) criticism of clients and firm leaders is dangerous. The impression that can be conveyed is that you do not have the courage to confront someone directly with your concerns. Your negative approach, moreover, detracts from any claim to be a "team player" looking for solutions that will help everyone perform better.

Again, do not delude yourself into thinking that your commentary will never get back to the objects of your derision. The grapevine is quite strong in most law firms. Often, the "telephone effect" of the re-telling of your comments may, actually, make them worse than you intended. Even if the object of your criticism never learns what you said, you damage your reputation by instilling doubt in the recipient of the criticism. All who hear your diatribes may think: "Goodness, if that's what John [or Jane] says about someone else, I wonder what they say about me?"

A FEW SIMPLE RULES

Most of what you need to know about getting along in the social setting of a law firm you probably (should have) learned in kindergarten. Consider just these few simple rules:

- If you're not sure how to behave, ask for help. Most of the time, a colleague, a supervisor (and surprisingly perhaps, often a staff member) can steer you toward what will be considered acceptable in a given situation.
- If you make a mistake (and, especially, if you think you've hurt someone's feelings), apologize and ask what you can do to rectify the situation.
- Learn to play nice. You don't have to become a Stepford associate, but you should be able to muster basic civility every day, in every encounter in a law firm. If you're just too grumpy to be nice, shut your door until the mood passes or go home and give it another try tomorrow. And if you blow your top at some point, re-read the prior rule (apologize).

Finally, a few words about the dangers of e-mail and alcohol (not, generally, used in combination, but each potentially dangerous in its own way).

E-mail, for example, offers quick, efficient communication, often permitting junior lawyers to "check in" with their supervisors, reporting progress and problems and asking questions where necessary.

But e-mail is an imperfect communication tool. It is subject to misinterpretation. Jokes and sarcasm do not translate well in print. And the tone of a message often can appear much harsher than the sender intended. When forwarded, moreover, e-mail often loses context, such that the reviewer (say, a senior administrative leader at the firm) may not have any sense of the intended good faith behind a note.

So, with e-mail, consider:

- Any angry or negative commentary (no matter how high or low the addressee) should, in most instances, be

delivered personally (by an office visit, if possible, or by telephone, at least).

- Assume that everything you write by e-mail can (and probably will) be forwarded to others besides your intended recipient. Make sure that your message is clear, including the context. Consider how someone with no background in the matter might read your message.
- Resist the temptation to respond to "flaming" e-mail from a colleague or a client with your own nasty-gram. In many instances, what you received may have been sent in jest or in a temporary fit of pique (indeed, if you wait long enough, you might even receive an apology). By modeling professionalism in your own response, in most cases, you will return the dialogue to a higher plane.

Regarding alcohol, the rules are even simpler:

- Social occasions with colleagues and clients are business meetings, no matter how apparently casual the setting. Treat them accordingly.
- Do not drink to excess. If you do, excuse yourself and catch a cab home.

Everyone makes mistakes. Lawyers are no exception. What distinguishes a learning experience from a career-ender is whether you can focus on the words "professional responsibility." Act like a professional. Take responsibility for your actions.

Steven C. Bennett is a partner in the New York offices of Jones Day and author of "The Path to Partnership" (Praeger). The views expressed are solely those of the author and should not be attributed to the author's firm or its clients.

Questions about E-Discovery? For the answers, visit Law.com's FREE E-DISCOVERY ROAD MAP

LAW.COM LARGE LAW FIRM

Resource 16

Permission Granted Law 2011

Select '**Print**' in your browser menu to print this document.

Copyright 2011. ALM Media Properties, LLC. All rights reserved. ALM Properties, Inc.

Page printed from: <http://www.law.com/jsp/llf/index.jsp>

[Back to Article](#)

How New Lawyers Can Choose Assignments Wisely

Petra Pasternak
The Recorder
November 15, 2007

On Stephen Engle's first day as an associate at Coblenz, Patch, Duffy & Bass, a partner came into his office with three big boxes of documents and asked how he'd like to work on an eminent domain case.

"I had no idea what that was, but I felt like I couldn't say no," Engle said. "Ten months later, I was the firm's go-to associate for eminent domain actions."



That's not what he'd have chosen. Today, eight years later, Engle is a recruiter at Major, Lindsey & Africa, and he's on a mission to make sure what happened to him doesn't happen to other new recruits.

Law students have a tough enough time deciding which firm to join. For some, figuring out -- or influencing -- what they do once they get there is even harder.

Each year, Engle gives a talk to law students at Harvard, Stanford and University of California-Berkeley, offering advice about choosing practice areas that best suit their personalities. He notes that law students shopping for a firm compare the obvious -- the firm's prestige, per-partner profits and compensation system -- but few consider how work will be assigned.

"How a law firm assigns work to associates can have a profound effect on associate satisfaction and even on the direction that an associate's career takes," Engle said. "I think most associates completely overlook this when they're choosing between firms."

Engle describes three broad systems. In one, a work-flow partner assigns matters, making sure that all associates are busy.

Another -- known as the free-enterprise system -- gives associates a lot of freedom in selecting work they like. The firm publishes a list of matters that needs to be staffed, and it's up to associates to approach the partner.

Under the third model -- probably the most common one, according to Engle -- any partner who needs help can approach any associate. Engle says this model is the likeliest to stick associates on a path determined largely by chance.

Latham & Watkins, for example, uses a highly centralized system in which an associate committee oversees new matters, tracks associate workloads and matches them with cases. In the first two years, associates are exposed to

a wide array of practice areas. By the third year, they are expected to sign up with a particular practice group.

"It's hard to get stuck in one area in the first or second year," partner Jeffrey Pero said. "If you think you're doing too much work in an area that you're not interested in, all you have to do is tell a member of the associate committee."

The firm tries to parcel out the more interesting work fairly, Pero said. The division of labor is done out of the sight of the partner who needs help, so partners don't know who's turning down their work, he said.

Gibson, Dunn & Crutcher, by contrast, is known for the free-market approach in which partners seek out specific associates, and associates approach partners about work that interests them.

"We want people to have the ability to make choices about their career path," says partner Daniel Floyd.

Michael Dore, a Gibson Dunn fourth-year who describes himself as a bit of a dabbler, said he called on an appellate partner during his first year, and "a couple of weeks in, I was writing appellate briefs," he said. More recently, he said, he's been seeking out media and entertainment litigation.

"One good thing about the free-market system is it encourages people to figure out what works for them," Dore said, "because, ultimately, you have to manage your practice."

Engle said the system can be tough on associates who are shy or who don't know what they want to do -- they can wind up with the work that no one else wants.

Also, he says it is a tough system to implement because "associates have to say no to partners, and partners have to be OK with that."

Peter Smith, a recruiter at BCG Attorney Search in San Francisco, says it's easy to get stuck. "Once you're asked to do one thing, it's hard to counteract it," he said. But there are ways to prevent falling into the wrong niche.

More important than the assigning system, he says, is the associate's skill at office politics: knowing the right people and knowing what's happening.

"It doesn't mean you have to be a type-A personality; you can play it in a quiet, reserved way," Smith said. "But you still have to play it."

Developing strong relationships with a few key people, Smith says, and finding out how partners are compensated can go a long way. "If a partner isn't getting credit for your hours, he's not going to want to spend time with you," Smith said.

But the best assignment system is "having your butt at your desk at the right time," said Smith. "Being available does really matter, even though they say it doesn't."