



Negligence Law Section

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Young Lawyers

“A Young Lawyer’s Survival Guide”

Kyle N. Smith, Collins Einhorn Farrell PC

So you graduated law school, passed the bar, received your P-number, and got a job...now what? The first 3 – 5 years of practicing law can be an unnerving experience. No matter what classes you took in law school, no matter how many law reviews or mock trial teams you were on, and no matter how many times you’ve watched ‘My Cousin Vinny’, the unavoidable reality of practicing law is that it takes practicing law to truly learn this unique skill.

There are no shortcuts on the legal path, which can be filled with obstacles for attorneys just starting out in their legal careers. Ask any attorney and they can recall difficult (maybe even embarrassing) situations they encountered at the outset of their legal careers that helped mold them into the lean, mean, litigating machines they are today. Even the most polished attorneys that you see in Court and wonder if they were winning summary disposition motions before they could walk can rattle off mistakes they made during the early days of their practice. But for every mistake they made, they can tell you what they learned from the experience and how it helped them to grow as an attorney.

The good news is that if you put in the work and invest the time, you’re going to become that polished, seasoned attorney yourself. The bad news is that you’re going to stumble at times and learn some lessons the hard way. Here to help you on your journey are some lessons learned (the hard way) that may help you navigate the early years of your legal career:

1. Know your limits

In your quest to rise through the ranks at your law firm, you may be eager to dive head-first into any and every assignment offered to you, regardless of how complex it may be. An enthusiastic, go-getter attitude will certainly serve you well during your career. However, in the spirit of walking before you can run, it is important to not take on an assignment that is beyond your abilities and experience.

Say you are still honing your lay witness deposition skills when a senior attorney asks you to depose the opposing party's star expert witness. Your instinct may be to say 'yes' and figure out later on whether this is actually something you can do capably. It's certainly not an indictment on your legal ability to admit you aren't quite ready to take on various tasks. In fact, the assigning attorney will appreciate your honesty and will circle back to you once you've gained the necessary experience to take the deposition.

Another issue you will likely run into is being afraid to turn down assignments and cases because you already have more than you can handle. The longer you practice, the more efficient you will become in completing tasks. Accordingly, you will find yourself able to take on and maintain a heavier workload as you become more comfortable. But until then, don't take on more work than you are capable of handling correctly and competently.

2. Don't be afraid to push your limits

While it's important to know your limits, it's also important to know when and where to push those limits to expand your abilities. If an attorney in your office approaches you with a challenging assignment, don't be afraid to accept it just because it's something you haven't done before. But be honest with the attorney that this particular area of law or this type of assignment is one that you have little (if any) experience in.

Armed with this information, they can determine whether or not they still want to have you work on the assignment. The assigning attorney would much rather hear this from you upfront and not on the day before the assignment is due. If you never leave your comfort zone, you will never grow as a lawyer. So pick your spots and don't be afraid to take on new challenges; just make sure the attorney you are reporting to is aware that this is a new endeavor for you.

3. You will need help, so ask for it

Maybe it's an assignment that you thought you could do on your own, or a deposition you were sure you could handle. Regardless of what the task is, at some point you will encounter a situation where you realize that you are in over your head. When this happens—and it will—do not be afraid to reach out to others at your firm for help.

You may feel uneasy asking a senior attorney or the attorney who gave you the assignment for help. Seek out the assistance and guidance of other attorneys in your firm. If you're researching a particular issue and find yourself stuck, ask around to see if anyone has briefed or written a substantive motion on the issue. If you're taking a neurosurgeon's deposition, see if anyone has a deposition transcript from a prior deposition they completed. There are numerous resources out there and you shouldn't be afraid to tap into them.

4. Admit and learn from your mistakes

No attorney is immune from making mistakes, least of all, young attorneys. When the inevitable mistake happens, you may feel a slight tightening in your stomach or a mild burning sensation in

your chest. But before you start researching the cost of a one-way flight to a non-extraditing country, take a deep breath.

Whatever mistake you've made, it is likely that someone in your firm has made a similar mistake during their career. They survived, and so will you. But you do need to accept responsibility for the mistake and formulate potential solutions. The sooner you bring a mistake to a client or supervising attorney's attention, the better. And when you bring the mistake to their attention, it will be much more well-received if you are proactive in offering solutions to fix it.

5. Seek out experience

There really is no substitute for experience. Obtaining that experience, however, is not always easy. A first-year attorney is rarely (if ever) going to be offered the opportunity to conduct a trial, depose a biomechanical engineering expert, conduct a crucial evidentiary hearing, etc. But that doesn't mean that you cannot gain experience from such opportunities.

Seek out this experience by asking attorneys if you may attend these events with them, assist them in their preparation, or review their work after it's completed. If you attend a deposition or trial, take notes regarding the things you observe so that you can ask the attorney why he/she asked a particular question, why certain objections were made, or why evidence was offered in a specific way.

If there is a particular event you would like to observe, such as jury selection at trial, send an email to the attorneys in your office advising as to your interest so they can keep you in mind when the opportunity arises. When the time comes for you to select a jury for yourself, imagine how much more confident you will be having previously observed the process.

6. Start growing your network

Every young lawyer will face the temptation to bury themselves in their work, to churn out assignments, and to log billable hours. These are all important functions that will help you to develop your legal skills and advance within your firm (the more-experienced attorneys in your firm will also tell you that's how they "keep the lights on"). However, it is very important to go out into the community you practice in to meet judges and your fellow attorneys.

Whether it be a seminar, social gathering, or legal award dinner, take advantage of these opportunities by attending these events. You'll be amazed at how much more enjoyable cases are when you are familiar with the attorney on the other side of the table. And who knows, you might find that the attorneys on the other side of the aisle aren't actually evil after all.

7. Develop and maintain your reputation from day one

You've probably heard that it takes years to build your reputation and only one instance to ruin it. Spoiler alert: it's true. But it's also true that your reputation is entirely within your control.

How you conduct yourself on a daily basis when dealing with judges, other attorneys, court staff members, etc., will ultimately determine what your reputation in the legal community is.

One thing to keep in mind is the reaction you want other attorneys to have when they see your name on a pleading. Do you want to be known as an attorney who can't be trusted and will try and "win" the case by any means necessary, or do you want to be known as an attorney who vigorously advocates on behalf of their clients with civility and respect? Advocacy and civility don't have to be mutually-exclusive concepts; in fact, they shouldn't be.

8. Don't let others dictate the way you practice

It is unavoidable that you will encounter an attorney who will be difficult to get along with and raises your blood pressure to levels previously-unreached. Some attorneys may take advantage of your inexperience and conduct themselves differently than they would with more-experienced attorneys.

For instance, they may file a contentious motion with the Court or send you a snarky email. Your initial response may be to respond in-kind. But before you file that motion asking for sanctions, or fire off that nasty email in response, take a step back for a second and ask yourself whether whatever you are contemplating writing is something you would feel comfortable defending in Court. If it's not, resist the urge to engage in that kind of behavior. Letting cooler heads prevail will serve you, and your client, better in the long run.

Kyle N. Smith
Collins Einhorn Farrell PC
(248) 351-6018
Kyle.Smith@ceflawyers.com