

JUMP START

Your Career: Tips for New Lawyers

by Jack W. Burtch Jr.

I began my law practice as an associate with a large Richmond law firm in 1973. As a lawyer for over thirty years now, I have learned a few things I wish I had known when I started out. The following are my top ten tips for new attorneys—so you don't have to do it yourself the hard way.

Know EXACTLY what is expected from your assignment.

When you are given an assignment, do not leave the assigning lawyer's office without knowing exactly what you are supposed to do and what the final product is supposed to look like. For example, the lawyer may say, "I need some help in the Jones matter. I can't remember if Virginia is a seven-year or a twenty-one-year state for adverse possession. Can you take care of this?"

Sounds simple, doesn't it? Just go to Lexis and find out what the elements of adverse possession are in Virginia. But it's not that simple. Does she want a written memo? If so, will a short answer to the question suffice, or do you need to write a detailed analysis of adverse possession? Will an oral report do? Are you sup-

posed to figure out how the adverse possession issue fits in to the larger issue or is this simply a one-shot inquiry? In other words, have you just been assigned to the case or are you a research resource? The assigning lawyer may not know the answer right now, but you won't know either until you ask.

This leads to my next point: Finish the job. Your boss is neither your research assistant nor your editor. Turn in a completed piece of work—the best work you can do. The lawyer may improve it or change it, or she may not. However, if you make her finish it, she will resent you. Not a good way to keep a job.

Remember, if you give the assignment back in the form expected, you will have done your job well and efficiently. Kudos to you, even if the answer was not what your boss wanted to hear.

10 TIPS

- Know what is expected
 - Do the job yourself
 - Allow enough time
- Learn your office equipment and software
 - Read the file
- Stay focused on the desired outcome
 - Ask and answer questions carefully

LISTEN

- Use all five senses
- It takes more than time

Do the job YOURSELF.

Make sure the assignment is not reassigned to the assignor. This may not make sense right now. Here's how it works. I am the assigning attorney, and I ask an associate to research something like the question above. The associate assumes that my legal assistant knows the answer because she does a lot of real estate work, and of course her answer will be clearer and easier to obtain than something from a law book. So the associate asks the legal assistant about adverse possession and, wanting to demonstrate how smart a legal assistant can be, she will say she can find out. But she is busy or thinks this is too much trouble to go through for a new associate. So she immediately marches into my office and asks me.

The associate just reassigned the problem to me. The associate was not only useless, but also added to my workload rather than being an efficient part of the team. Guess how long that individual will stay around if this problem doesn't have an instant solution?

It takes as long to get a BRIEF ready for court as it does to write it in the first place.

Most new lawyers think that once the draft is done, they are home free. A little bit of editing, have the secretary whip it into the final format, and it will be ready for filing. Wrong. After you finish the brief, your boss will want to look at it. He will have criticisms or different ideas.

These changes will need to be incorporated and reviewed again. Then you will need to figure out, if you don't already know, what the court's requirements are: page limits, tables of cases, etc. How many copies does the court need? Are you supposed to send a copy to the judge's chambers? While an experienced legal secretary can help you through all of this, today such experienced people are few

and far between. Allow enough time for this process and all its variables. Don't miss the deadline. And don't become the next firm legend by running up the hill to the Supreme Court with seconds to spare.

You don't yet know enough to take shortcuts. When you are thoroughly familiar with an area of the law, you may learn some. Until then, avoid them. They lead to dead ends, and usually you will just have to start all over.

LEARN about every machine and software program in the office.

The lawyer who can't run the equipment is a hostage to the staff. Staff aren't always available. There's nothing like having the copier or fax machine jam on Friday afternoon before a deadline, and you don't know what to do.

READ the file.

This may seem obvious, but it's a step that is often overlooked by new lawyers. Legal questions never arise in the abstract (except among former Law Review staffers who are counting the days until their application comes through for an assistant professorship). The file tells you what the case is about and what your boss knows, or may not know. It can answer most of your questions about the assignment. You can find out who the players are and what has happened so far. If you read the file, you will not only turn in a more complete and polished piece of work—you may actually become useful on the case. That's the whole point. If you become useful (read, *indispensable*) on enough cases, you will have the closest thing this profession offers to job security.

"Keep your EYE on the rabbit."

This adage comes from a talk U.S. District Judge Richard L. Williams gave to The Virginia Bar Association when he was a partner at McGuireWoods. Every case has a goal—a desired outcome. If your efforts aren't directed toward the desired outcome, you're wasting your time. A lot of new lawyers become unduly fascinated by the many issues even a simple case can raise. Only a few critical points help push the ball forward. Focus on those and ignore the rest. Keeping your eye on the rabbit shows your boss you know what's important. Don't confuse activity with achievement. Being busy isn't the goal. Your work must achieve an end; it is not an end in itself.

Ask questions, and answer questions CAREFULLY.

It's important to ask questions. But before you ask a question, be sure you have tried to find the answer. That is, after all, your job. If the answer to the question is in the file, why haven't you read the file? If the answer is in a book, why haven't you looked there first? When you ask a question, have it formulated before you speak. Ask the most important question first. Your boss has other things to do.

When answering a question, be honest. If you don't know, say so. Smart clients are good smoke detectors. No one likes to be fed a line—especially not clients who are paying for your help. There's nothing wrong with admitting that you aren't the Encyclopedia of All Legal Solutions. If you don't know, inform them that with time and research, you can find out. That's why they came to you in the first place.

Be sure to keep your client up-to-date on your progress by returning phone calls and sending information. If a squeaky wheel gets the most grease, save time and money by greasing it before it starts making unfriendly noises. Not returning your client's phone calls is the first step to creating an unhappy client.

First Year as an Attorney?



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LISTEN.

Starting law practice is scary. The lingo of any specialty is confusing at first. Other lawyers talk to you as if you understand what they're saying. It takes some time to get it, but don't worry, you will. In the meantime, just be a "lingo sponge" and soak it in. If words or phrases that you don't yet know are part of an assignment, look them up or ask what they mean. Or just nod and listen for context. The lawyer who is talking to you has probably forgotten how clueless he was in his first month out of law school. After a few months, you'll be slinging the phrases just like everyone else.

USE all five senses.

If I don't know an adversary or a client, I prefer to meet on his or her turf. You may have heard that you will have the upper hand if they come to you. Maybe that's what you want. More often, however, you want to learn what makes the other person tick. Go to them. What are they reading? How organized, or disorganized, are they? What mementos and pictures are on display? All these provide information about who they are.

If you don't know why you were invited to the meeting, it is probably because your boss needs another pair of eyes and ears. He may also need someone to take better notes than he can. He has a lot to think about in the meeting while you can take good, detailed notes (preferably using the participant's words and not your instant translation.) Two of the very best assistants I ever had, neither of whom had yet started law school, were great observers. After a meeting they could tell me who was nervous, who was confident, and what a client really wanted out of the case. They observed gestures, word fumbling, vocal tone and body language. You can catch important details that your boss will miss, and that makes you indispensable. Attorneys who simply attend a meeting are common. Insightful attorneys who take in the complete picture are much more effective.

The firm will make you a PARTNER when it has to.

Just because your firm has a seven-year track to partner doesn't mean that you're on timed autopilot toward the big promotion. You will become a partner when the law firm has to make you one, and that will only happen if you become indispensable. Nothing is handed to you in law practice. If you want to become a partner, you have to put in more than just the time. 📌

Now, all that being said, old dogs also can learn new tricks, especially from their younger counterparts in the firm. Here are the top three tips I have learned from law student assistants and new lawyers over the years;

Technology, technology, TECHNOLOGY.

Recent generations have begun to infuse law firms not only with knowledge of multiple time-saving technologies, but with a seemingly inherent talent for multitasking. It isn't an age thing; multitasking is a learned behavior, and technology helps us do it. Employees are expensive. Technology is cheap. If we take the time to learn the system, we can cut out a lot of employee legwork we've been paying for.

Use the personal computer. It is a moneymaker. It can be our base of operations and best friend. Scanning correspondence and files into PDFs can save valuable space that cuts into over-

head. Print out documents as needed. Only keep paper copies of open and active files.

E-mail is fast and efficient. We can send documents, sound, even video with a click of the mouse. Using e-mail effectively can cut down on telephone time. It can give more control over the time spent communicating with clients and other lawyers.

Learn computer research. Lexis and Westlaw and the free legal research Web sites are gold mines. We can build sophisticated legal research files and save them in an electronic format. Every document we can create or capture digitally is a potential form.

Make friends with YOUNGER lawyers.

The men who were legal giants when I came to the bar (and they were all men, then) have retired. The legal giants of the future are among our associates and their friends. Get to know them. Lawyering is fundamentally democratic. All our licenses are the same. If much of our business comes from referrals, widening our circle of friends expands our referral base. This not only secures our practices, but also enriches our lives.

ATTITUDES are changing.

Gone are the days when the men had the offices and the women sat outside

their office doors. A lawyer recently told me he would “have his girl call my girl.” Well, I don’t have a “girl,” and many of my colleagues are women. As an older lawyer, one of my greatest challenges is to change my attitudes. I have programmed assumptions about how work should be done. I know how a successful legal career should progress. I assume that finishing a client’s project is more important than some-

thing else I may want to do. The generations now entering law practice do not share these assumptions. Certainly, they can learn a few things from me, but I can learn just as much from them. Being open to that possibility makes me optimistic.

OURS IS A LEARNED PROFESSION. WE HONOR THAT BY REFUSING TO STOP LEARNING. [↻](#)



Jack W. Burtch Jr. was admitted to the Virginia Bar in 1973. He received his undergraduate degree *cum laude* from Wesleyan University in Middletown, Connecticut in 1969 and his law degree from Vanderbilt University in 1972, where he served as a member of the board of editors of the *Vanderbilt Journal of Transnational Law*. After serving as an associate in the labor law section of Hunton & Williams from 1973 to 1980, Burtch became a principal of the firm that became McSweeney, Burtch & Crump. In January 2001, he joined the firm that became Macaulay & Burtch PC where he represents businesses, executives and professionals in employment law and labor relations. Burtch is an adjunct professor of law at the University of Richmond School of Law where he teaches negotiations and interviewing and counseling.

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YLC District

- 2nd District
- 5th District
- 6th District
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- 10th District
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consists of Judicial Circuits

- Circuits 2 & 4
- Circuits 19 & 31
- Circuits 9 & 15
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- Circuits 23 & 25
- Circuits 10, 21, 22 & 24
- Circuits 27, 28, 29 & 30

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The deadline for receipt of nominations is **MAY 1, 2006.**