FEDERATION OF DEFENSE & CORPORATE COUNSEL



# The Associate Whisperer Hiring and Retaining Young Lawyers

By Frank Ramos, Jr.

# About the Author

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## DEDICATION

To Ana I channel you when I speak to young lawyers

**To David and Michael** *Mentor others* 

# Prolouge

Many firms struggle with hiring and retaining associates. Turnover is a chronic, disruptive and costly problem that costs firms dollars, cases and clients. Firms hire consultants and companies, conduct surveys and interviews, and spend money, time and effort to keep the associates they hired, trained and developed. Some firms are good at keeping their associates. Many are not. Turnover, despite best efforts, has not been curbed. There are solutions to reduce turnover, and you may be surprised to hear that higher salaries and bigger bonuses aren't the answer. I have had the pleasure and privilege of speaking with hundreds of associates from across the country and what they want is a deep and satisfying mentor relationship, where the firm develops them - not just their legal skills, but their soft skills and their skills outside of the practice and truly invests in them, in their purpose and their skills and their dreams. In return for this investment, many young lawyers will remain loyal to your firm. Not all of them. Not every one of them. But more than are now. These personal, real, meaningful relationships will cause young lawyers to stay. Many of us would not simply walk away from a marriage or a friendship, because it is a personal, deep-rooted connection. Build similar relationships with your associates, and many will stay. This book will discuss how best to do this.

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# Why Write this Book?

A while back, I made myself available to young lawyers for coffee, Skype, WhatsApp, Zoom, phone and instant message chats. Across the street from our law offices there is a French bakery, Bistro Bakery, and Miami being Miami, it is empty first thing in the morning. So, before COVID-19 hit, twice a week, early in the morning, I met young lawyers and discussed whatever was on their minds. When I traveled, I announced where I was going on Facebook and LinkedIn said I would be available for coffee. I met young lawyers in Chicago, Louisville, Austin, Scottsdale, San Francisco and New Orleans, among other cities. I also spoke, texted and messaged countless lawyers from most every state of the union (and from around the world). I have had coffee with hundreds of young lawyers and have spoken with hundreds more. No matter their background, their practice areas, their law firm or where they lived, I discovered that their questions and concerns and that their ideas and thoughts were largely universal. Most were surprised by the lack of mentoring, lack of fellowship and lack of concern for their development and well being at their firms. Most were trying to reconcile their expectations with the reality of the practice. And most were willing to sacrifice, work hard and put in the hours, but in return, wanted their firms to invest in them. What they wanted was a real, personal, meaningful relationship with their firms and those who led and populated them.

I have had a unique opportunity – I've spoken with associates from everywhere - and I've learned they're largely the same – that all of us are largely the same – we all, for the most part, share the same values, desires, wants and principles – and this common ground ties us together and provides the basis to forge long, satisfying, meaningful relationships. I wrote this book to share what I learned from all these young lawyers and hope you'll learn from them too. Every interaction taught me about them, about the practice and about the profession, and for that I am eternally grateful for their time, input and insight.

# SECTION 01

# Motivation

## Motivation Isn't Complicated

Firm leaders must motivate their teams, including their young lawyers. Motivating them isn't complicated. It involves:

- Getting to know your attorneys and finding out what their talents, passions and dreams are.
- Asking them what they want from the practice, the firm and their lives.
- Equipping and empowering them to achieve what they want from the practice, the firm and their lives.
- Caring for them. Genuinely caring for them and what matters to them.

That's it. If you care for your team, they will care about you and your firm. If what matters to them matters to you, what matters to you will matter to them. To get your team to do what you want, you have to express interest in what they want and equip them to achieve what they want. This sounds transactional, like a quid pro quo. I'll give you what you want to get you to give me what I want. This sentiment over simplifies and degrades this approach to motivation. Motivation, at its simplest, is stimulating action in yourself or others. To do so, you need to understand what drives action. If you can empower others to achieve their goals, you will empower them to achieve yours. If you equip others to achieve their goals, you will equip them to achieve yours. Investing in others breeds loyalty, deepens relationships and creates bonds. We do this for our spouses, for our kids, for our siblings, for our friends. We get what we give in this world. We reap what we sow. And if you want to reap a bountiful harvest for your firm, sow seeds of interest, compassion, support and understanding in your young lawyers.

## **Retention Isn't Complicated**

Retention, like motivation, isn't complicated. Meet your associates' needs and they are much more likely to stay. It's more than compensation. Yes, money is important. But compensation is generally not the reason folks stay or leave. And if that's what primarily motivates a given lawyer, that lawyer may not be a good fit for your firm. Young lawyers want what we all want – we want to master our craft, we want to make an impact, we want to serve our clients zealously and capably, we want to leave a legacy and in the midst of all this, we want to find, chase down, subdue and conquer our dreams, purpose and destiny. Retention comes down to one word – empowerment. Empower your associates to achieve what they want, in your firm and beyond, and many will stay.

#### Retention Isn't Complicated, But It's Hard

The paradox about retention is that understanding what to do is relatively easy, but doing it is hard. It takes time and effort to get to know, understand and build long term, meaningful relationships with your lawyers. Relationships are difficult. That's why most marriages end in divorce. That's why so many families are estranged. That's why closely held businesses fracture. To retain associates you need your firm leaders and partners buy into this paradigm - investing time, effort and energy into your associates, empowering them and facilitating this process. Any approach that requires your stake holders to give of themselves requires their input, their feedback, their buy in, and their support. Whatever your firm's approach or plan, everyone must understand that if retention is not seriously and comprehensively addressed, it will not improve. Doing nothing is not an option. Addressing it on the periphery is not an option. The firm must convey and impress the importance of doing more to retain young lawyers.

# SECTION 02

# Building the Team You Need

## **Building the Team You Need**

Before diving further into associate retention, let's briefly address associate hiring. If you don't hire the right people, you have no rationale to create and implement a plan to keep them.

There are two ways to build a team - hiring and training. The better the hiring, the less the training. The worse the hiring, the greater the training. Though training improves skill sets, it doesn't change values or principles. It doesn't change who we are. We don't want others trying to change us and as leaders of our firms, we can't expect to change others and it is presumptuous for us to try.

So to recap - we firm leaders can improve skills but can't change who others are, their values and principles. You can, for example, improve your lawyers writing, oral advocacy and trial skills. You cannot create confidence, grit, hunger, drive, and ambition. Your prospective hires have them or don't based on who they are. Of course any one of us can choose to be any of these. But these choices are internal. Likewise, you cannot impose your values or principles on others. Your prospective hires are servant oriented or not, they are team players or not, they sacrifice or they don't. Again, any of us can change our value system, our first principles, if we choose to, but the choice is ours, and we often resist others trying to change our values.

So we can change others' skills, which is about 20% of who they are, but can't change their values and principles, which is about 80% of who they are. Reflect on that for a moment - those we hire and add to our teams will, despite our best efforts, remain fundamentally the same. They will continue to live, work and operate by their personal belief and value systems.

Therefore, hiring is immensely more important than training. Hire the right people, and training supplements their fit for your firm. Hire the wrong people, and no amount of training will make them the proper fit for your firm.

Take the time and energy to pick the right team members for your team. It'll make all the difference in the world and will make retention efforts easier and more effective.

#### So it comes down to hiring...

In the interview process find out if the candidate

- Researched your firm's mission, vision and values
- Understands them
- Shares them
- Lives by them
- Is committed to them
- Understands his or her role in making your vision and mission a reality
- Has a plan to turn your vision and mission into a reality

## My Coffee Chats with Associates

Before COVID-19, I regularly met for coffee with young lawyers to offer advice, listen to their concerns and assuage their fears. Many a morning, I crossed the street from my office to Bistro Bakery, a small French restaurant and bakery, and took my seat at my usual table at the back against the wall, where I ordered a cup of coffee and often purchased one of their featured Unicorn Muffins or Red Velvet Croissants to bring back to our legal assistant, Marilyn. Shortly after I ordered, my guest entered the restaurant and joined me.

I cherished those meetings. I learned as much from those encounters, if not more, than those I was advising. I gained insight into the wants and needs of young lawyers and about the behaviors, attitudes and talents that cause lawyers to stand out, for better and for worse. These meetings taught me the following:

**Carry yourself with Confidence** I often met with young lawyers who felt they were at the end of their rope. They were miserable at their jobs or worse, would have been happy to have a miserable job. Sitting in the back of the restaurant, I could spot them the moment they walked in. Their body language revealed their desperation. Unless they changed the way they carried themselves, they would never convince an employer to hire them. That visual - fear personified - has made me realize how important it is to carry yourself with confidence, to walk with gravitas, to own your space. I always share the same advice to those who don't appreciate how they're undermining their prospects of getting a job. In no particular order, the following show confidence.

- Making and maintaining eye contact. Make the other person break eye contact first.
- Hold your head up. Never look down.
- Give firm handshakes. Hold it. The other person should pull away first.
- Stand up straight. Never slouch. Shoulders out.
- Walk with long, firm steps.
- Raise your voice. Don't shout, but use a firm voice. If you're speaking to a room, everyone in the room should hear you.
- Take up space with your body when you stand or sit.

Many young lawyers called, texted or messaged me weeks after we met and expressed surprise how changing their posture, their body language and voice positively influenced others and helped them feel more confident and more self-assured. **Define and Maximize Your Talents** Each of us has at least one talent and making the most of our talents helps our careers and our employers. Sometimes our talents aren't obvious and sometimes we don't appreciate their importance.

I met with a young lawyer who wanted to fast track his career but wasn't sure how. During our discussion, I learned he was fluent in Arabic. He didn't appreciate the significance of this. There are numerous government agencies and international law firms who seek out attorneys fluent in Arabic. A skill he had taken for granted was the very skill that would help him secure interviews for several desirable jobs. Each of us has talents which have the potential of putting our careers into overdrive:

Have a plan Doing something, especially something big, requires a plan. Becoming a specialist, developing a niche practice, growing a book of business - these goals require a detailed, written plan that spell out how to get from here to there. Many young attorneys I speak to have auspicious goals but have not sat down and developed a strategic plan to achieve them. If you're going to do big things, you need a plan to accomplish them.

Put It on the Calendar We're all busy. Our calendars are loaded with hearings, depositions, trials and meetings. To achieve a goal - whether it's leading an organization, writing a book, or becoming a stellar trial lawyer - you need to set aside time on your calendar for these activities. Block off time on your calendar over the next three months to pursue big things and use that time wisely. If you don't put it on your calendar, you may not find the time to do the important things that go beyond your daily job-related obligations.

These are some things I talk about and have learned while meeting for coffee with young lawyers. I enjoy sitting across from another lawyer and discussing the profession, our careers and life.

#### Calls, Texts and Instant Messages with Associates

In addition to coffee chats, I have spoken, texted and messaged with young lawyers from around the world. All of them, irrespective of nation of origin or practice, crave mentors who can guide and develop them. Many hearken to a time when the law practice was akin to an apprenticeship, and senior lawyers took young lawyers under their wings, and taught them the profession while working alongside their apprentices, much like a knight trained a page. The apprentice model has largely become an anachronism, but one-on-one mentoring remains a model firms can adopt to create relationships with young lawyers that bind them to firms.

# SECTION 03

# What Associates Want

# What Associates Want

Based on communications with hundreds of young lawyers, this is what associates want:

- A Mentor
- Hard skills based training
- Soft skills based training
- Client access
- Challenging work
- Meaningful work
- Meaningful and consistent feedback

- Transparency about salary and partnership track
- Supportive Environment
- Team approach
- Pro bono and community service
- Fair salary and bonus structure

Young lawyers want firms to invest in them – develop them, nurture them, encourage them and direct them on a path of confidence and empowerment.

#### What We All Want

Looking at the list of what associates want, it looks a lot like what we all want. We all want a firm that supports us, develops us, raises us up and provides us the training, experience and platform to improve our skills and build our books of business. Wouldn't we all want to work at a place that motivated us to focus on its needs by focusing on ours? Wouldn't we all want a boss that mentored us? Understanding what makes your team happy, your associates happy, is the first step in keeping them. Start by asking yourself what actions, behaviors, attitudes and statements would keep you at a firm. Then put yourself in your associates' shoes and ask what you think would keep them. You have to first know what works before doing what works.

## Millennials

Most professions face the same challenge – recruiting and engaging Millennials – who one day will decide the future of our companies, our law firms, our mission and how we do business. Millennials often opt for careers in tech, start ups, and non profits. They want to be on the cutting edge, changing the world and how we interact with it and each other. Law firms can offer Millennials what they are looking for and more.

Let's consider what is important to Millennials – doing good, creating change, innovation, flexibility and mentoring. Let's take these in turn.

Young lawyers want to be a force for positive change – they want to improve others' lives through their career choices. A career as an associate offers these opportunities. Emphasizing this aspect of the job and providing real life examples of this to prospective hires can be the most effective recruiting tool a law firm has.

Young lawyers also want to be innovators and change agents. They want to solve problems. They even want to identify issues that have yet to become problems and solve them too. Law firms have been on the cutting edge of innovation to better serve their clients more efficiently, effectively and pleasantly. Flexibility should also be emphasized when recruiting Millennials. Opportunity to work remotely, flex time, and to travel are great recruiting tools. The "office" is no longer four walls. It can be one's living room, Starbucks or a park. With laptops, smartphones, virtual meetings and social networking, anywhere can be one's office and opportunities for attorney development are endless.

Also law firms, with their superior analytics and information gathering, can provide Millennials the instant feedback they crave. We all want positive reinforcement and tangible and relevant feedback on how we can improve at our jobs. Through their compilation and analysis of data, law firms can pin point what associates are doing right and wrong, provide them examples on how to improve and match them with mentors who excel to guide them on doing a good job even better.

Law firms have the tools, resources, and capability of meeting Millennials' needs while fostering and building relationships with them that facilitate their incorporation into the team's fabric, culture, mission and values.

#### **Gen-Xers**

I'm a Gen-Xer. I grew up in the 80s. I was a latch key kid. I ate TV dinners in front of my black and white television in my room while my parents were at work. I kept a low profile around the house and neighborhood, kept my head down, stayed out of the way and out of trouble and lived my life. I was independent. I grew up in Chicago and walked to school. I took the bus and train into downtown. Spent most of my time in libraries and museum and parks and thought the freedom, the exploration, the lack of boundaries, the self-reliance was all very normal. I thought that because my friends lived similar lives. We were left to our own devices. We weren't particularly praised or disciplined. We weren't particularly celebrated or ignored. We were, in many ways, tiny adults, making our way through the world. We learned by doing. We made mistakes. We didn't make them a second time. We didn't understand terms like "self-esteem," or "participation trophies," or anything that suggested adults had to worry about our emotional or psychological development. Our parents often insulted us, and we insulted each other, and we had thick skins and nothing surprised us or particularly bothered us. We grew up when total and complete nuclear annihilation was a real possibility, so if that didn't hold our attention, much less bother us much, there was little the world could throw at us that

would slow us down or get in our way.

Now we're adults. We are the sandwich generation. We take care of our elderly parents and our kids. My dad is 86 (my mom passed in 2013) and our boys, David and Michael, are 22 and 19. For a generation that raised itself, we're in the ironic position of being responsible for two separate generations. We are equally adept in the old world of television, printed newspapers, phone calls and interpersonal gatherings as we are with streaming, online news, texting and technology. A generation accustomed to staying out of others' way, we are chameleons, highly adaptable and easily entertained. We work hard. Very hard. We saw our parents work hard, too much in fact, and if we learned anything from them, we learned the value of hard work. Your firm's hardest working attorneys are likely your Gen-Exers. We understand the concept of work life balance much like we all understand the concept of quantum physics - we know it exists but don't apply it to our lives. While you're keeping an eye on keeping your associates, keep an eye on your Gen-Exers. Their upbringing equipped them with the grit and perseverance your firm needs.

### Boomers

Boomers likely built your firms. They have the experience and the clients. They came up at a time when trials were common and many are seasoned trial lawyers. The idea of pleasing associates is foreign to them. When they were associates, no one made a point to please them or meet their needs, or as many of them view, coddled them. If their needs as associates weren't met, why should they be bothered to meet the needs of their associates. Many are eyeing retirement. Many are contemplating the next chapter of their lives. The idea of divesting their time, money and energy to the youngest generation of their firms is not an idea that is easy to swallow. Some, of course, are happy to be mentors, to pass on their wisdom and experience. But others are less than happy and not thrilled in the least. For a retention plan to work, your Boomers need to support it, need to back it and even if they defer to the Gen-Exers to lead it, they need to come around and make it part of the firm's fabric and DNA. You need their buy in. If they want a legacy, if they want their firm to survive and thrive after they're gone, they need to invest in young lawyers because one day those young lawyers will be leading the firm and there won't be a firm if they all leave.

#### Values

If your firm wants to retain associates, it needs to identify its values and hire associates who share them. Marriages that last are couples who share the same values. Friendships that last are friends who share the same values. Business partners who remain in business are those who share the same values. As a firm, you must define and reduce to writing your values. Share them on your website. When interviewing candidates, determine if they read your values, share them and how they have applied them in their lives.

#### **First Principles**

In addition to a set of values, each organization and each person has a set of first principles that guide our behavior, our attitude, our perspective and our goals. These are not core values, though values shape them. Just as a firm should identify and write down its values, it should do the same for its first principles.

First principles are not experiences, though they open our eyes to them. And these are not our interactions with others, though those interactions color them. They are born of all these and more. They are born of our upbringing, our struggles, our pain and our triumphs. Each of us has a set of First Principles that we rely on when confronted with a decision, a choice, a dilemma or a conflict. They will make the difference between making the right choice and the wrong one. And because we rely on them so mightily, each of us should take the time to write ours down. Reducing our principles to writing, both our firm's and personal ones, reminds us what guides us and moves us, what sustains us and uplifts us. And in writing them down, we can reflect whether they remain applicable, whether they should be supplemented with new ones or whether they have stood the test in time.

Some of us have many principles, so many there seems to be one for every occasion while others have a handful that carry them through their entire lives. These are mine:

- The most important job as a father is to help my children discover their purpose in this world and empower them to chase it.
- Love is sacrifice.
- Our pain serves to help others manage theirs.
- Each of us is an expert at something.

- You can't transform mediocrity into greatness. Instead of focusing your efforts on turning your weaknesses into something good, turn your strengths into something great.
- Never let anyone define you.
- We can't take credit for our gifts, talents or accomplishments.
- Pride puts blinders us, hiding the truth about ourselves from us. Pride prevents honest introspection, which causes us to fall.
- No one will remember what you did for yourself.
- We watch too much television.
- You'll never see a U-Haul trailing a hearse.
- I don't buy our boys stuff. I invest in their passions.
- If you have to do something, you burn to do it, then you were born to do it.
  My older son was born to conduct, my younger son was born to perform, and I was born to write.
- Living someone else's life is an unfulfilled life.
- There are no coincidences. Each interaction with each individual, however seemingly inconsequential, has the potential to reveal to us our purpose and to reveal to them theirs.
- You can't have joy without pain, or success with failure. Both would be meaningless without the others.

- Life will knock you down. You'll never know what you're made of until it does.
- Most people care much more about themselves than they do about you. Don't take it personally.
- You need a plan for ever thing in life your career, your family, your charity.
- No one is going to etch your total life's billable hours on your tombstone. Don't live like they are.
- Why was Mr. Rogers the last person who taught me about imagination? Imagination is crucial to leadership. Imagination needs to be fostered among adults.
- Ideas are today's currency.
- Our value is intrinsic. Our stuff does not increase our value. It can only decrease it by us measuring our value by what we own.
- My boys won't remember the things I bought them. They'll remember the values I taught them.
- Love defies science. It defies simple arithmetic. Love teaches us that one plus one equals one.
- Forgiveness brings peace. Choosing not to forgive hurts us much more than the person we choose not to forgive.
- Circumstances don't dictate our station in life. Our reactions to them do.
- You don't need a title to be a leader.

These are my first principles. Write yours down. Write your firm's down.

# 

# SECTION 04

# Mission

## Mission

Most companies and law firms have a mission statement. Your firm likely has one. If it doesn't, you should develop one. Your mission is your firm's purpose, or as Simon Sinek says, your why, your reason for being.

Most law firms have discussed mission statements. Who do you want to be as a firm and what do you see as your purpose and destiny? These are foundational questions your firm must ask itself before charting its course into the future. If you already have a mission statement, ask yourself "is it still relevant and accurate?" If not, discuss updating it. If you don't have one, have your firm's leadership address the issue.

How does one go about preparing or updating a mission statement? The best approach to creating a mission statement is to compile a list of key words that describe your firm and your team. This statement reflects who you are and where you're going. A mission statement is one of the first items you tackle when defining a firm and its identity. You can't get to the what or how without first defining the why.

Just as firms should have a mission statement, individuals should too, and the associates you interview should know your firm's mission statement and should have one of their own. When interviewing associate candidates, ask:

- Have you read the firm's mission statement?
- How do you define the firm's mission?
- How do you understand the firm's mission?
- What do you consider your role as to the firm's mission?
- Do you have a personal mission?
- Have you ever had a personal mission?

These questions will help you vet candidates for your firm.

#### Vision

Your firm's vision is driven by your mission. The answer to your vision is the answer to the question "how do you achieve your purpose?" If the Mission is the why, the vision is the how. Just as your firm has a vision, your candidates should have visions for their careers and lives. Your candidates should know and be committed to your firm's vision and should have a personal vision to which they're committed.

### **Pursuing One's Destiny**

Each of us has a destiny. Each of us is on this earth for a reason. Each of us seeks out our destiny. If you can empower your associates to discover and pursue their destiny, you will likely keep them. Helping another discover who they are and become fully themselves is a process of self discovery and self fulfillment that creates lifelong bonds. Take the time to help your associates figure out their destiny by doing three things:

- Help them discover and develop their talents
- Help them explore and pursue their passions
- Help them define and chase their dreams

Where a person's talents, passions and dreams intersects is where that person can find their purpose, their destiny. I encourage you to read my free book Go Motivate Yourself – Stop Chasing Gurus and Do the Hard Work, where I discuss this approach to discovering and pursuing your purpose. If you help your associates achieve their professional and personal goals, they will be committed to achieving the firm's goals.



# Talent

## **Your Talents**

Each of us has strengths and weaknesses. Each of us has talents and shortcomings. Each of us has passions and apathies. If you want to achieve greatness as a lawyer, focus on your strengths, talents and passions. Focusing on our weaknesses takes time and energy away from developing into the experts we were born to be. Each of us was destined for greatness. Each of us was born to become the best at something. You need to discover what you were born to be and pursue that wholeheartedly. For lawyers, what type of lawyer were you born to be? In which practice area were you meant to specialize? What skill sets - whether writing, speaking, oral argument or persuasions do you excel at? Discover your destiny and chase it.

So, ask yourself, what are you good at? I mean what comes naturally for you? I'm not asking for skills that you have developed over the years. I'm not asking about something you used to do poorly, and now, after years of effort and practice, you do well. I want to know your innate talents that were there with you at birth, lying dormant until the time came that you got to use them. Maybe from a young age you beat everyone at chess. You picked up the piano at nine and never looked back. You were the fastest student in your middle school track team. You were the captain of your brain bowl team in high school. You were easily elected president of the student body in college or advanced to

the nationals in moot court in law school. I'm talking about that one thing (or more likely, several things) that you were simply better at than most others. Sure you practiced, or studied or did whatever else to improve your talents. But at the core, you simply did it better than most everyone else. You were better at math, or writing, or telling stories, or leading, or shooting a basketball, or running, or debating or at science. Or maybe you had a huge ego, and thought you were better at everything. Confidence is a talent too. The things you did as a child, teen and now as an adult that are second nature to you, write those down. It is not a coincidence you have those talents. You were meant to use them for your good and the good of others. You weren't meant to squander them. You have them for a reason. Write them all down - the little and big talents alike. You need to identify all of them before you can fully use them.

Also, what things do you do that require little preparation or effort? Preparing for a hearing? Preparing for a client meeting? Research? Organizing an event? Leading an organization? Writing an article? Preparing a speech? I have some quirky talents. First, I have an endless list of ideas for articles and books and once the idea strikes me I can reduce it to writing very quickly. The book you're reading now took me 4 weeks of nights and weekends to write. Two hours a night, several hours each weekend. That's it. I'm not bragging on myself. I'm just acknowledging that I have this talent of developing ideas and reducing them to writing. One can appreciate why this skill helps my career as a lawyer. I can write a lot, in a short period of time, and share my ideas with lawyers across the country who may need local counsel in Miami, where I live. So that talent is easily transferable to advancing my career.

So take the time and ask yourself what comes easy for you? No skill is too small or too unique or even too silly to jot down. You just never know when it can come in handy. Often you hear you need to work on your weaknesses. I believe you need to identify your strengths and make them stronger. These strengths are what will distinguish you from the rest of the pack. These strengths are what are going to set you apart. Identify them. Develop them. Focus on them. Play to your strengths. Chase your destiny.

And just as you do this for yourself, have your team ask themselves the same questions and have them undergo the same exercises. You'll help them discover their talents so they better serve themselves and the firm.

#### **Your Passion**

Your passions are what motivates you. Your associates' passions are what motivates them. You need to discover your passions to discover your source of motivation and you need to help your associates discover their passions so you can discover what motivates them.

So what is passion? Passion is what gets you out of bed earlier than most to prepare for a marathon, write a book like this, go to night school for another degree, and any host of other tasks that require drive, grit and heart. You can have a dream, a very modest and manageable one, but without passion – without the urge to convert your idea into a reality – it's not going anywhere. It's dead on

arrival. That's why identifying your passion is so important. If you're not passionate about health, if you're not competitive, if exercise is the last thing you want to do - you're not going to have the passion to train for a marathon. Now, you can develop a passion for running, but accomplishing such a dream will be more realistic if you start with a passion to run and to win. You can develop a passion for a task or goal, but the likelihood of success of achieving your dreams improves if we work with our existing passions, as opposed to developing new ones. (Of course, you may have passions you haven't discovered yet. These are different than developing passions from whole cloth).

So let's start with a direct question – What gets you excited? What aspects of your job get you excited? What aspects of belonging to a voluntary bar association get you excited? What books? Television programs and movies? What type of news stories? What volunteer work? Hobbies? What conversations do you jump into? What do you post about? Your excitement level and what causes it to rise reveals your passions. Passions are your internal motivators. Discover what yours are and you'll discover a wellspring of motivation. And after you've asked yourself these questions, have your associates answer them. The answers will reveal their passions and their source of motivation. If you know what motivates someone, you can motivate them. If a person knows what motivates them, they can motivate themselves. We're all passionate about something. Discover your passions and the passions of your team. Helping others discover and pursue their passions fosters loyalty.

#### **Your Dreams**

Your dreams are what you want for your life. They are big. They are inspirational. They are transformative. They are life affirming. We have dreams about our lives and about our careers. You owe it to yourself to explore your dreams – the dreams you've had since childhood, the dreams you had in college and law school and the dreams you have now. A dream is a map or blueprint of something bigger, better and amazing for your life and the life of others. We all have dreams. Reduce yours to writing and develop a plan to pursue them.

Likewise, encourage your associates to identify and reduce to writing their dreams and help them achieve them. As with passions, helping others discovery and pursue their dreams build relationships with your team members that keeps them put.

# SECTION 06

# Your Purpose

#### Your Purpose

Your purpose is where your dreams, passions and talents intersect. I cannot say this enough so I will repeat it because it bears repeating - you will find your purpose in life where your dreams, passions and talents intersect. Each of us is imbued with talents, dreams and passions. It is not a coincidence that your talents, dreams and passions overlap. It is not simply by chance that your passions need your talents or that your talents instruct your dreams. If we drew a Venn diagram here, and you drew three circles, that common area where your talents, passions and dreams overlap - that's where your focus should be, that's where you expend your energies, that's where you will find joy, and meaning and fulfillment. Where everything intersects - that's where you need to be.

Ask your associates to write down their talents, dreams and passions, plot them out, see where they intersect and explain to them that where they overlap, that's where they are supposed to be, that's what they are supposed to do, that's where their hearts and minds belong. If you can help your associates to identify and pursue their purpose, they will be doing what they were born to do, and by doing so, they will be better lawyers, better advocates, better counselors and better associates.

#### Expectations

Every firm has expectations. Expectations about the number of hours to bill. Expectations about when to be in the office. Expectations about work product, timeliness, work ethic and attitude. It's unfair to have expectations and not clearly and precisely communicate what they are. Reduce your firm's expectations to writing – expectations for your lawyers, your paralegals, your staff – and provide them a copy so they know exactly what the firm expects of and from them. This avoids surprises, disappointments, miscommunications and misunderstandings.

#### Firm Culture

Each firm has a culture. The culture is something the firm's leadership controls, shapes and dictates. Firm culture emanates from the top. Firms who struggle with a lack of diversity, with bullying, with toxic partners, have leaders who have allowed, either purposely or tacitly, destructive behaviors to exist and flourish. Your firm culture should be a reflection of your firm's values and principles. If those values and principles mean anything to you, then everyone, including the biggest rainmakers, must live by and emulate them. A No Jerk policy is something every firm should have and enforce. Any attorney, no matter their rank, and any staff, that does not reflect the firm's values and principles should be held accountable.

# SECTION 07

# Hiring

## Hiring

Effective hiring is a skill that needs to be learned and developed. Don't leave it to guess work, gut instincts and first impressions. Take the time to study and understand how best to interview and select candidates to improve your team. We lawyers did not learn human resources, emotional intelligence or people skills in law school, but we need to learn how to identify the right folks for our team to succeed. What follows are tips and suggestions to improve your hiring efforts.

#### **Finding the Right Attorney**

Hiring the right attorneys for your firm makes all the difference between success and failure. Not every attorney is a good fit at every firm, and vice versa. Picking the right people for your team is the most important and crucial skill a firm leader can have. Assembling a team that lives by your firm's mission, vision, values and principles and pursues its goals and has the grit, confidence and courage to face and overcome adversity in and outside the courtroom and profession, is crucial to a firm's success. We can talk about retention all you want, but it's moot if you're trying to retain the wrong team members.

#### Resumes

When looking at resumes, go beyond just the GPA and the name of the law school. Keep an eye out for:

- Leadership roles
- Volunteer efforts
- Publications
- Public speaking

- Team sports
- Anything that shows the candidate overcame an adversity, obstacle or challenge

You're looking for soft skills, confidence, grit, perseverance and emotional intelligence. These are the skills and qualities that separate good lawyers from average ones and great ones from good ones.

#### Interviews

Interviewing candidates is a skill. It's as much an art as a science. Hiring the right candidate can advance the firm's mission, vision and goals. Hiring the wrong candidate will undermine them.

There are obvious things to look for in any interview:

- On time arrival
- Treating staff with respect
- Well dressed
- Well spoken
- Good eye contact
- Confidant body language
- Firm handshake
- Strong vocabulary
- Good communication skills

These "little" things are the ones that add up and create a first impression of a candidate. Do they look and act the part of an attorney at your firm? How they sit, how they lean in or lean back, where they keep their eyes, what they do with their hands, whether they come across as nervous or shy – these are the things we all look for when deciding to move someone into the "you're hired" or into the "I'm sorry" category.

Going beyond these items, you need to ask the questions to determine whether the candidate fits into your firm and has the skills you need. Ask questions that reveal whether the candidate:

- Researched your firm
- Understands your firm's mission, vision and values
- Lives by her own mission, vision and values
- Lives by a mission, vision and values that overlap those of the firm
- Has a strong work ethic
- Has a positive attitude
- Has grit and perseverance
- Has the hard skills you are looking for
- Has the soft skills you are looking for

As you know, there are questions we cannot legally ask candidates. I won't go into a discussion here as to what those questions are. I would simply advise that you research this issue and ensure that no one interviewing a candidate asks those questions.

#### Selection

It's much easier to retain lawyers if you start by hiring the right ones for your firm. The right hires for your firm are those attorneys who:

- Know and buy into your firm's
  - Mission
  - Vision
  - Values
  - First Principles
  - Goals
- They share the firm's:
  - Mission
  - Vision
  - Values
  - First Principles
  - Goals

- They have strong soft skills:
  - Leadership
  - Management
  - Communication
  - Confidence
  - Grit
- They have a strong work ethic
- They have a positive attitude
- They fit into the firm's culture

When evaluating and choosing between candidates, consider how they measured up against these criteria.

#### Retention

The key to retention is listening to your associates, listening to their needs and wants, learning about their talents, passions and dreams, and equipping them to pursue their purpose, both in and outside the law firm. Self realization – becoming who we truly are and achieving our destiny – that is something we all want but many of us don't know how to accomplish, and even fewer of us ever achieve it. Yes, pay your associates a competitive salary. Yes, train your associates. Yes, invest in your associates. I recommend all of this. But the key differential, the one thing that will truly set your firm apart and fortify your efforts to keep your associates, is working alongside of them to help them learn and pursue their purpose. This self actualization process will ensure retention.

# SECTION 08

# Communications

#### Communications

Open and ongoing communications with your associates is key to keeping them engaged. This is where supervising attorneys and mentors play a crucial role. Regular, constructive communication about work product, work ethic, attitude, skills, business development, etc., are important for training, attorney development and transparency. Regular and consistent communication that conveys valuable information and training in a helpful manner takes time and energy, but it is crucial in developing lawyers, assisting their maturation process and creating relationships which will keep them loyal to the firm.

# Training

Plan, prepare and enact an associate training program. You can download for free my book Training Your Law Firm Associates (found on my LinkedIn profile page) which explains how you can survey your firm to define the parameters of an associate training program and how to enact it to train your associates and develop both their hard and soft skills.

#### Hard Skills Training

Don't outsource your training. Take an active role to ensure your associates know how to research, draft memos, pleadings and motions, interview witnesses, interact with clients, argue motions, take and defend depositions, identify and prep witnesses and experts, try cases and all the other hard skills we lawyers use and rely upon every day. Make them masters of their craft and in the process of doing so, you'll improve your own skill set.

#### Soft Skills Training

Some believe, myself included, that an attorney's soft skills play a larger role in securing and serving clients, than hard skills. The ability to effectively communicate – both in writing and verbally – the ability to manage and lead, the ability to project confidence and strength, the ability to own the room – whether it's the boardroom or the courtroom – these are the skills that get a client's attention, hold their attention and keep them as clients. Yes, train your lawyers how to take depositions and try cases. But just as importantly, if not more so, train them in the soft skills clients notice, seek and crave.

### Winning

One of the soft skills all attorneys must develop, including associates, is defining a win for the client and pursuing it wholeheartedly. A win means different things to different clients, in different circumstances, and in different situations. Defining and re-defining the term "win" for associates will help them develop realistic expectations of their career, their cases and their clients.

The following statement may come as a surprise from a trial lawyer but I hate lawsuits. Corporate America asks our firm to represent them when they are sued in commercial, employment and personal injury matters. Some cases have merit. Some don't. But I find them terribly ineffective to resolve disputes. They are time consuming. They are expensive. They are time confrontational. Personalities and egos get in the way. Misunderstandings devolve into nasty e-mails and nastier motion practice. I'm a cost center to my clients. I don't make them money. I only cost them money. And so the best thing I can do for them, the best any of us lawyers can do for our clients, is to sit down with them at the beginning of the case and discuss how they define a "win" given the facts of their case. Spending a lot of money to take the case to trial and get a defense verdict doesn't sound like a win. Spending a lot of money to settle the case upfront to avoid any and all litigation costs doesn't sound like a win either. But in every case, no matter how daunting, we lawyers can make a bad situation better, sometimes only slightly, sometimes markedly so. There are cases that can be resolved for little or nothing quickly. There are cases that will drag on despite our best efforts. But every case has a resolution and explaining to the client what that resolution is and the cost associated with it is one of our most important jobs as attorneys.

Any associate training must include an appreciation of the client's needs and wants.

By understanding our clients' needs and concerns, we can define the end point with them. As Stephen Covey says, start with the end in mind. Based on the facts and the law, what do they consider a favorable resolution? Maybe it's quick and confidential. Maybe they're looking for a fight to ward off other spurious claims. Firms must teach associates that clients need lawyers to help define expectations, goals and an action plan to achieve them.

An early and honest assessment of the case provided through the prism of the client's wants, needs and risk assessment, will provide the guidance the client needs to make the decision on how she desires to proceed.

#### Teach associates to do an early case evaluation which includes

- Identifying the key facts
- Reviewing the relevant documents
- Researching the relevant law
- Doing due diligence on the opposing counsel and the presiding judge
- Preparing a case budget
- Evaluating likelihood of success at various stages of litigation

#### **Engaging Work**

Associates desire engaging work. Yes, someone needs to review documents. Yes, someone needs to draft and respond to discovery. Not only is that necessary but it is part of the learning process. Having said that, ensure your associates receive and perform meaningful work. Find opportunities for them to argue motions, take depositions, interview witnesses and interact with clients. Consider pro bono as a way to give your associates meaningful, engaging work. Consider taking on clients that have more fungible work at lower billable rates and allow associates a larger role in those cases. We all have to pay our dues. I've done my share of document review over my career. But do what you can to get more substantive, more interactive, more imaginative work to your associates.

#### **Client Contact**

Don't hide your associates from your clients. Your clients should know who your associates are, what they're doing and what role they play in their matters. Bring your associates to client meetings. Have them join client calls. Even if your client won't pay for their time, have them attend and participate. It's important for them and it's important for you, because they get to experience how to interact with the client and you they learn what to say and do and what not to say and do when communicating with clients.

#### **Business Development**

It's every attorney's responsibility and job to develop business, whether it's the senior most partner or junior most associate. From the first day an associate starts at your firm, train them in attorney marketing and business development and give them the tools to start laying the foundation for bringing in clients and cases.

Every attorney should prepare and enact a personal business development plan. A sample plan is in the Appendix of this book. Have all your attorneys prepare a personal marketing plan that is consistent with and supports the firm's mission, vision, values and goals and create a process where everyone in the firm is held accountable to pursue and achieve the goals in their plans.

# SECTION 09

# Mentoring Leaders

The Associate Whisperer Hiring and Retaining Young Lawyers

### **Mentoring Program**

Don't let mentoring be an afterthought and don't leave it to attorneys to figure it out for themselves. Create a vibrant mentoring program where every associate at your firm is assigned a more senior lawyer in the same practice area who will guide them in their practice and direct them on the proper partnership track. All experienced lawyers have a duty to mentor young lawyers, and your firm has a duty to mentor its associates.

#### Mentoring

With law schools pumping out more grads than there are jobs and the employment market for young lawyers remaining stagnant, we lawyers blessed to be at firms we enjoy, earning enough to provide for ourselves and our families, owe it to younger lawyers to mentor them. Having experienced our share about the practice and the business of law and having lived through the economic upturns and downturns we have abundant wisdom to share with those starting their legal careers. If you're not already mentoring another lawyer at your firm, please start. If there is no one at your firm to mentor, look through your contacts on social media or consider responding to one of the many applicants who send your firm resumes for jobs that have already been filled. Not getting an interview for an associate position is disappointing. Receiving an offer to be mentored instead, however, relieves some of the sting and can lead to a relationship

that helps the young lawyer develop her networking skills and land a permanent job.

So, how do you mentor? Reach out to a young lawyer via e-mail and offer to be her mentor. Introduce yourself, describe your practice, why you're interested in mentoring, why you think you can help her with her career, and put the ball in her court. Odds are, she will be delighted to have someone with whom to discuss career and practice issues. Once you have a mentee, establish some ground rules. How often will you meet? Where and when? For how long? How often will you speak to one another? E-mail? Text? These items are fluid but should be discussed upfront. I would recommend meeting at least once a month in person for coffee and speaking weekly by phone. Most young lawyers are looking for career advice. Where should they apply? What should their cover letters say? What writing sample should they use? How do

they meet other attorneys in the community? How do they network? There are a lot of young lawyers hurting out there, with huge student loans and limited financial means to pay them down. Some just want to talk and hear it's going to be OK. Some need encouragement, some motivation and some need help devising a strategic plan for their careers and their lives.

A mentoring relationship can be anything you want. Some young lawyers are looking for long term mentors. Some just need help with getting their careers launched. Some will have ethics questions. Other will have practice questions, like how to effectively cross examine a witness at deposition. Let the mentoring relationship evolve and if the point comes when the mentee would be better served with another mentor, help her find one. You'll be surprised by what knowledge, ideas and practice tips you take for granted young lawyers will consider invaluable. What would you tell a younger you about the practice? I post daily on LinkedIn and make myself available for early morning coffee at a coffee shop near our offices. Meet me at 7:30 and by 8:00 you'll have several takeaways on how to increase your odds on securing an associate position. Every partner at every firm can provide the same advice and every mentee would be grateful for it.

Mentoring starts with identifying someone who could benefit from a mentor and offering to be a mentor. You don't need special training or skills to be a mentor. You don't need to take a class on mentoring or know exactly what to say or do. You just need time, concern and compassion.

#### **Mentoring Leaders**

If you want your law firm to thrive, you need to teach your lawyers, all of them, how to be leaders. Not just leaders in the firm and in the cases they're handling, but in voluntary bar associations and non-profits. By becoming leaders, they will better serve the firm's clients and the organizations to which they belong. Clients are naturally attracted to leaders. Organizations seek out leaders to help them fulfill their mission. Teaching your attorneys how to become leaders may be the most important skill you pass on.

#### **Reduce Your Style to Writing**

Before you can teach others how to lead, you need to be able to articulate your style of leadership. Sit down at your computer and summarize your style, approach and behavior of leadership. Take some time to reflect on how you got here. What things did you do, what did you read, what organizations did you get involved with and who did you look up to and try to emulate? You need this information if you want to articulate to your protégée how to become a leader. The first question you may be asked is "How did you become a leader?" Take the time to think this through before becoming a mentor to a future leader.

#### **Choose a Protége**

Every young lawyer at your firm should have a leadership mentor. The question is 'Who is right for whom?" Compatibility is important. Do you share the same passions, goals and interests? Do you have similar personalities and backgrounds? Try to match firm leaders with young lawyers who have something in common. If someone is a morning person, who wants to meet for breakfast and get together for runs, don't match them with a person who is a night owl and who has little interest in personal fitness. You're looking to foster relationships that will grow and flourish, through which your young lawyers will love to learn how to become a leader and implement their new skills sets.

#### **Create Some Guidelines**

Sit down with your protégée and decide on guidelines for this mentoring relationship. What do you expect from her? What does she expect from you? How often will you meet? When? Where? What topics will your address? What are the goals, both short and long term? If you don't go into this with a plan, with a fixed schedule and goals to accomplish, the relationship will end up without a purpose or direction. And you want to know what expectations and needs your protégée has. What does she want out of the relationship and what does she hope to accomplish with your help?

#### **Devise a Schedule**

Agree on a schedule to meet and discuss leadership issues. It could be a weekly 10 minute in-office meeting with "assignments" or "homework," such as choosing an organization to get involved with in a leadership capacity or reading an article on leadership you hand selected. Regular meetings create accountability on the part of the protégée to work on leadership skills, and regular face to face time is necessary to build any relationship, especially a mentorship.

#### Read

Encourage your protégée to read books on leadership. Recommend books you've read on the topic and then discuss them with her. Or perhaps pick books neither of you have read and experience them together. What was the theme of the book? What were the takeaways? What did you learn about leadership? What can you apply? What don't you agree with? Why? What can we apply in our firm, company or organization? What translates well for our needs? What doesn't? Assign a book, set a deadline by which to finish it and schedule a coffee or lunch to discuss it.

My favorite author on leadership is John Maxwell. The first book I read by him was The 21 Irrefutable Rules of Leadership. Once I read it, I was hooked. I had to read all his books, including the 360 Degree Leader, The 21 Indispensible Qualities of a Leader, Developing the Leaders Around You, Talent Is Never Enough and How Successful People Lead. John Maxwell, who started as a pastor of a small church in Ohio, knew that to make an impact he needed to be a strong leader and dedicated the rest of his life to learning what makes a strong, effective, charismatic leader and teaching others to become leaders in their companies, non-profits, firms and houses of worship. In 2014, Inc Magazine, named him the #1 leadership expert in the world. Now, having written so much on leadership, some of his more recent books draw from principles from earlier publications, so instead of buying the library of John Maxwell books, browse through the summaries on Amazon and pick your top 5 books. You and your protégée should order them and set up a timetable to discuss and read them. If you end up reading only one author on leadership, read Maxwell. Other great writers on leadership include Dale Carnegie, Stephen Covey, Simon Sinek, Andy Stanley and Tony Robbins.

Reading books on leadership should be a staple for anyone who is or wants to become a leader. Google authors and books on leadership and see what comes up. What book summaries resonate with you? What authors seem to be talking to you and your organization? Order those books and share your favorites with your protégée and make them part of your regular discussions. Perhaps enter a friendly contest to see who reads the most leadership books in a year, with the winner buying the loser a memorable token he or she can display in the office. Also, from time to time, these writers may visit your town and speak on leadership. Consider taking your protégée to listen and watch them.

#### **Break Bread**

Meet once a month with your protégée for lunch and discuss leadership issues. What skill set is she working on? What has she learned since your last lunch? What needs improvement? What leadership positions does she have? How is she doing in those positions? Who is she leading? How? Through what style? What's working? What isn't? In addition to leadership issues, talk about whatever is on your protégée's mind, whether work related or social. By getting to know one another better, by understanding what makes each of you tick, what motivates you, what your passions are, you help one another grow as leaders. Often you'll learn as much or more from your protégée by teaching her your brand of leadership.

#### **Study Other Leaders**

Expose your protégée to other leaders and other leadership styles. Get her involved in organizations where she'll interact with leaders of those organizations and see firsthand how they lead them. Encourage her to break bread with other leaders ask them to lunch and learn about their leadership philosophies and approaches. A former associate of ours was elected to president of a local voluntary bar association. Before assuming the role, he invited to lunch the past several presidents who held the same position to learn about what they did –what worked and what didn't, and what leadership styles were most effective for that organization. Also, getting back to reading, recommend biographies and autobiographies of leaders. It's one thing to have one discuss leadership, it's another to see how it played out in someone's life.

#### **Seek Opportunities**

Direct your protégée's passion and skills to an organization where she can exercise the leadership skills she is learning to develop them first hand. Start with a smaller, local organization, where there is less competition for leadership opportunities and encourage her to get involved, jump in with both feet and seek out opportunities to lead the organization. When I first sought out leadership opportunities, I first started with local organizations in my city, then went on to state-wide organizations and from there graduated to national organizations. Each step along the way, I built on what I had learned to grow my leadership skills and sphere of influence.

#### Model

Expose your protégée to times you are leading, whether at your firm or in an organization. Show her how you do it and discuss with her why you did what you did or handled a situation a certain way. Teaching by doing is a great way to show someone first-hand how to lead an organization. If you're on the board of an organization, have your protégée sit in. If you're leading a conference call on a project have her listen in. And then discuss why you did what you did and field any questions she may have.

#### Tinker

Regularly evaluate what is working in the mentoring relationship and what isn't. Are you meeting too often? Not enough? Are you focusing your time on developing leadership skills or do conversations often meander to unrelated topics? Are you seeing progress in your protégée? Is she seeing progress? Regularly assess the relationship and see what adjustments need to be made to improve the relationship and improve the protégée's skill set.

#### Pass the Baton

Part of the reason you're training a future leader is for her to assume some of your duties and responsibilities and one day lead your firm after you're gone. Organizations have to live on after you leave, but they can only do so if they are left in trusted hands. As the mentoring relationship progresses, pass some of your responsibilities onto your protégée, assess her handling of them, and as she masters them, pass along additional responsibilities. Eventually, she will be able to handle firm leadership as well as you do. Teaching others to lead takes time, energy and focus. Identify your strengths as a leader, teach that skill set, identify your weaknesses, work on those, and then teach that skill set. You grow as your protégée grows and you develop your own leadership skills as you pass them on. Any mentoring relationship is a two way street, with the mentor learning as much or more from the relationship as the protégée herself.

#### **Caring for Your Team**

I have two rules when I communicate with my team. First, I spend more time learning about them than talking about myself. Second, I never make myself the center of attention. Let's take these rules in turn.

If you know more about my kids than I know about yours, if you know more about my weekend than I know about yours, if you know my goals and dreams better than I know yours, then I'm not an effective leader. If these are true, I care more about myself than I care about my team, and to be an effective leader, I have to care more for my team than I care about myself. How do you fix this? A few suggestions.

For the next month, always ask everyone on your team how their weekend was and truly engage them in a conversation about it. When they ask about yours, you say, "It was great," and leave it at that. It's about them. For the next month, when you go out with your team to breakfast or lunch, you ask them open ended questions and when it's your turn to answer those questions, answer them succinctly. Of course go beyond "yes" and "no" answers. This isn't a deposition. But never make the conversation about you. When I go to lunch with junior partners and associates. I let them talk. I have discussions with them, but invariably we're discussing their topics on their terms. Do an experiment. Next time you're at lunch with

your team, glance at your watch when you start telling a story and glance down again when you're done. Yes, you actually talked for that long. Yes, that many minutes did pass by. You're the boss. They have to listen. Don't make them listen more than they have to. If you make every casual conversation you have with members of your team about them, you will foster loyalty.

The caveat, of course, is you actually have to care about what they say. You have to care about their kids' struggles in school, their mother who has Alzheimer's, the novel they're working on in their spare time and the charity they volunteer for. These conversations take time. Where do you find the time when you're busy leading your organization? You take the time that you would have spent talking about yourself and you spend it on them.

This takes me to my second rule. I never make myself the focus of group or one-onone conversations. You want to focus on others' accomplishments, whether they're professional, personal or family ones. You want to hear from them, learn what they're thinking and what they consider important. By focusing on them, you show you value them. You are spending your time listening to them, they're not spending their time listening to you. Follow the 80-20 rule. You should spend 80% of the conversation listening and 20% speaking. This is true even if it's only you and one other person. You always want to learn what's on the person's mind – what inspires, motivates and concerns them. By knowing your team, really knowing them, you will better understand how to help them achieve their full potential, and by doing so, they will better serve your organization and those it serves.

So keep the following in mind. No one really cares how your weekend was, but you must care how others' weekends were. No one cares about your funny anecdote, your diet, what television show you watched last night or your hot take on foreign relations. But you must care about these things when others' share these stories with you. It's not about you. Make it about you, and lose your team's loyalty, passion and commitment in the process. Be a leader who cares, which starts with more listening and much less talking.

# SECTION 10

# Diversity

The Associate Whisperer Hiring and Retaining Young Lawyers

# Diversity

Diversity is important for your firm. Diversity brings your firm a diversity of opinions, backgrounds, views and talents. Diversity strengthens your firm and enables it to better serve its clients. And the reality is that more and more clients are expecting their outside counsel firms to have diverse lawyers work on their matters. So make diversity one of your core values and principles and recruit diverse lawyers and incorporate them into the fabric of your firm.

#### **Diversity Program**

Diversity just doesn't happen. A firm doesn't simply become diverse by wishing it or hoping for it. You need to develop a plan to recruit diverse lawyers and once they join the firm, listen to them and their needs, and be open to new ideas and approaches. We all approach the practice and life differently. Diverse lawyers, such as myself, due to our experiences growing up and our backgrounds, may have different, novel and unique ideas about the practice, about marketing, about firm management, about serving clients and about handling cases. Listen to these ideas. Some ideas may work. Others may not. But listening to them, considering and evaluating them, and talking through them with your diverse lawyers is good for your associates, good for you and good for the firm.

# SECTION 11

# Perks

**The Associate Whisperer** *Hiring and Retaining Young Lawyers* 

#### Perks

There are so many perks a firm can offer its attorneys. This will be driven by the size of your firm, its location, its budget, its proclivities, etc. All I'll say about perks is that they don't have to be expensive. If they're tailored toward the needs and wants of your specific associates, they will be appreciated and remembered.

#### Work Life Balance

Younger lawyers don't just talk about work life balance, like the rest of us do. They want to live it. Be cognizant of associates' personal time and space. After hour or weekend calls, e-mails and texts shouldn't be the norm, and if it is, and everyone understands that it is, then the firm should make sure to reward that imposition. Offer associates opportunities to spend time with their families and friends, pursue hobbies and enjoy vacations.

#### **Remote Work**

If COVID-19 taught us anything, it taught firms that they can succeed with a remote work force. At first, many managing partners and firm leaders balked and winced at having their entire firms work remotely. And at the beginning, there were hiccups and stumbles, but we all figured it out, made it work and realized it had its benefits. We didn't have to travel to and from work. We saved money on meals and dry cleaning. Productivity remained high. Quality remained high. Zoom calls, conference calls, e-mails, text messages and instant messages kept us together and engaged as a firm. Was it ideal? No. Will remote work replace the traditional office? For most firms, no. But we learned it was feasible, it worked, was manageable and had its benefits. Having conducted this experiment, offering remote work opportunities to associates, where they work from home a day or more a week, is doable and is a way to attract and keep associates. If you're going to allow remote work, define the parameters and be explicit about them to avoid misunderstandings and miscommunications.

#### Flexibility

Technology allows lawyers to work at any time from any place. Unfortunately, many of us are on call 24/7, and send and receive e-mail at all hours on all days. If these demands are placed on us, all of us, firms should provide flexibility to their associates about when they need to come into and leave the office, what days they need to be in the office and when they can take time to address personal and family needs.

#### Technology

Law tech is a booming business and there is a platform, or program, or app, or hardware for any task, project or case you handle. Some tech make us better lawyers. Some get in the way. Some help us better serve clients. Some just add another layer of work, confusion and bureaucracy. Young lawyers are generally tech savy and appreciate and embrace new, intuitive and effective technology. Have a committee or go-to attorney who keeps their finger on the pulse of legal tech and bring to the firm's attention existing or new technology that will make things better for the firm, its attorneys and its clients.

#### **Giving Back**

Young lawyers want to give back. They want to volunteer. They want to help. Create pro bono opportunities and support local non profits and charities and create avenues, venues and partnerships so that young lawyers have choices to give back to organizations and causes that resonate with them.

#### Compensation

Pay competitive salaries. Based on your client base, your firm size, your overhead, your geography, and the type of firm you are, have your salary be consistent with similar firms. You don't have to be the top paying firm, but don't be among the worst paying firms. I mean, sure, you can pay less, but you get what you pay for, and if you pay below market, you'll get below market associates who provide below market work product and have below market loyalty. Compensation is a two way street. Compensation is a reflection of your respect for your associates. If you're not taking the time to learn what a reasonable salary and bonus structure is for a firm like yours, and bury your head in the sand as to what the going rate for associates like yours is, then don't be surprised and don't blame anyone other than yourself if they leave over compensation.

#### Bonuses

Some firms rely on bonuses as a large part of an attorney's compensation, since that provides them flexibility depending on whether the firm is doing well or not. Cutting salaries is bad for morale and leads to departures. Compensation that leans into bonuses, whether during the year or at the end of the year, creates incentives for better and more work product from associates and provides firms an opportunity to base compensation on the firm's overall productivity, profitability and income stream.

#### Transparency

Associates want transparency when it comes to compensation. They want to know how the firm calculated their salary and bonuses. Firms who are transparent about the hours their associates worked, the actual hours billed to clients, the dollars billed to clients and the dollars collected for the associate's work, provide associates the transparency they crave about firm cost, profitability and compensation. Some firms balk at this. Some firms take the position that if associates knew how much they made the firm they would demand more. I would counter that if your compensation model is fair, transparency will show, support and prove it is fair. Of course if it isn't fair, then you're right, transparency may undermine retention. The fact is, typically, associates are generally not as profitable as they think. The fees they generate go to pay for overhead, for their training, for their learning curve, etc. You'd be surprised how often transparency actually cuts in favor of firms justifying their compensation models to young lawyers.

#### Hours

I'm not going to suggest how many hours your firm should require of your associates, or how many more hours are needed to reach various bonus levels. That's for each firm to decide for itself. What I am going to suggest, though, is that you provide some credit to your associates for non billable work. Have them keep track of the hours they spend on non billable work (CLE, marketing, pro bono, etc) and give them some credit, monetarily, for those hours and that work.

#### **Evaluations**

Associates crave helpful, productive feedback. The mentors in your firm should provide constructive, regular criticism to their mentees. You should conduct quarterly or semiannual in person evaluations with all your associates. Open lines of communication with your associates is important. They should never be surprised or caught off guard by a poor end of the year review or a hit to their bonus due to bad work product, bad attitude or bad work ethic. Open, honest, polite and professional feedback throughout the year is in everyone's best interests.

### Future of Associate Retention

Technology is going to play a larger role in associate retention. There are legal tech companies and angel investors and computer coders figuring out how to identify, track and analyze thousands upon thousands of data points to evaluate when associates are happy, loyal and married to their firms and when they are dissatisfied, unhappy and looking to jump ship and swim ashore in search of another firm. Hotels, restaurants, and other service industries rely on satisfaction surveys. They study interactions with customers, gauge feedback, study social media to tweak their services and predict customer behavior. Expect law firms to start doing the same. Firms who view their associates like their clients, by viewing them as customers, will become more prevalent, and though they will continue to demand exemplary work product, attitude and work ethic, they will also listen to what their associates want and meet their needs when appropriate.

PERKS



# A Letter to My Younger Self

To close out the main part of the book, I include a letter to my younger self. Each experienced lawyer has a lot to share with younger lawyers. They're craving your wisdom, advice and help. Be a beacon for them.

Dear Younger Self:

This letter is long overdue. Sorry it took so long to write it. As a child, I heard the quote "youth is wasted on the young." It is attributed to George Bernard Shaw but I heard it on reruns of sitcoms. I remember Ralph telling Alice on the Honeymooners and Edith telling Archie on All in the Family. If only I had been wiser at your age. That's what this letter is about. Now short of a wormhole, a collective consciousness or memories that transcend time, you'll never read this letter. But if it is any consolation, others like you, in my present, hopefully will and will learn what I wish you knew when you first started the practice of law and started on your career.

I'm going to share with you four things and only four. These aren't principles or values. They are paradigm shifts. These are lessons learned the hard way - life and experience. They could have easily been read in a book or heard from a loved one and followed, but so often the most important lessons, the ones that shape us, change us, transform us, come from making mistakes, often the same ones and often repeatedly, until they finally seep through and change us. Sometimes these lessons come too late, but they change us nonetheless.

#### Choose being fearless over fearful.

Fear limits us. It boxes us in. It stifles creativity and discards opportunities. Don't simply choose not be afraid. Choose to be fearless. Embrace risk. Suck its marrow and transcend it. The biggest mountains have the best views.

Fear and Pride are the flip side of one another. Avoid both.

Fear undermines confidence. Pride over inflates it. Not believing in your talents and believing in them too much both have the same result - failure. Don't be too afraid to take risks and don't be too proud to ask for help and rely on your team to compliment your blind spots.

#### Chase your purpose, not your dreams.

Each of us has a purpose to change this world and others for the better. Our purpose is the lodestar we follow. Our dreams direct us toward our purpose, but the two shouldn't be confused. Our dreams may be selfish. Our purpose never is.

#### Don't hesitate.

Don't be Hamlet and ponder a decision to the point of madness. No matter how much you analyze a situation, no matter how much information you gather, no matter how many people you ask for advice, at some point the decision is yours and it will be imperfect and you will not know the result until you make the decision. So stop hesitating and decide.

#### There is a life before we make a choice and one after. Never confuse the two.

Some say our life is the sum total of our decisions. I believe our life is the sum total of how we accept our decisions. The world we live in is the world we have chosen. There is a world that exists before we make a choice and a world that exists after we make it. There is the choosing and then there is the accepting. Once you make a choice you must accept it, consequences and all. Efforts to go back to a reality before a poor choice are wasted. That choice created a new reality. Accept it, learn from it, and move forward. Looking back to a world that no longer exists is folly. Accepting responsibility is maturity.

I hope this letter finds you and it changes you. If it does not, I hope this letter finds others and changes them.

# Appendix

Asking the right questions, of oneself and others, is necessary to define your and your firm's mission, visions, values, goals, plans, action steps and forward progress. The following questionnaires will help you hire, train, empower and retain associates.

#### **Associate Interview**

Asking the right questions, of oneself and others, is necessary to define your and your firm's mission, visions, values, goals, plans, action steps and forward progress. The following questionnaires will help you hire, train, empower and retain associates.

#### Associate Interview

Hiring the right attorneys for your firm will lead to success. Hiring the wrong ones will lead to failure. You need to hire attorneys whose personal mission, vision and values align with your firm's. And you need to hire leaders.

The primary quality you're looking for is leadership. Every hire should be able to lead your organization, either in the organization or from outside. Leaders have a vision for your organization, can reduce that vision to goals, can create a plan to achieve those goals and will assume a primary responsibility to make their vision a reality. An organization cannot have too many leaders. In fact your motto should be "A Company of Leaders." So how do you identify them? Consider implementing the following during your hiring process.

Define a problem your law firm or client has. It could be improving consistency among the law firm's lawyers in defending depositions, or improving the conveyance of education and information on HR issues for the law firm's clients, or contending with a new business trend. Once you've reduced your problem to writing, provide your applicants with the following and give them 48 hours to respond:

#### Dear Applicant,

Our law firm is dedicated to hiring leaders and the following questions are aimed at identifying them. Below is a problem with which our law firm is currently struggling. We ask that you provide us the following to address it:

- What is your vision? What is your vision in keeping with the organization's mission statement and values to address the issue?
- What are your goals? What are your goals for transforming your vision into a reality?
- What is your plan? What plan do you have to achieve your goals? What concrete steps can be repeated over and over throughout the organization to achieve your goals?
- What's your role? What's your role in implementing the plan? What is your commitment and effort to turn your vision into a reality?

The problem we need your input for is (define problem here). Please e-mail us your response within 48 hours of this e-mail. We look forward to receiving it.

This is how I approach tackling every large scale problem faced by our firm or the various voluntary associations I have served over the years. You hire those who have a vision, a plan to make the vision a reality and the drive to do the hard work required of their plan. You avoid the dreamers who have great ideas but no follow through. You avoid the planners whose vision is too limited. And of course you avoid the followers to whom this whole process is totally alien.

As you cull through the responses, keep these in mind:

- How vast is the vision?
- How practical is the solution?
  - Can it be implemented?
  - How, by whom and over what period of time?
- Did the applicant offer a viable approach to the problem?
- What's the likely cost for the solution?
- What are the cost savings for the solution?
- Would I have approached the problem in a similar manner?

When evaluating the responses, consider how much care the applicant took to learn about your firm – what its overall vision is, what it does and how it does it, its history and its future. These type of questions go much further than asking about an applicant's resume, where they went to school, what jobs they have had and what their hobbies are. These questions cut to the heart of the process in identifying those with the imagination, intellect, work ethic and grit to prepare your organizations for the countless challenges it faces in this quickly evolving world economy.

#### **Associate Survey**

Ask your associates what they like about the firm, what they want from the firm and what they want changed. Keep the survey short, open ended and confidential and take the time to review the responses and address the issues, thoughts and concerns raised by your associates. Here is a sample survey:

- What do you like most about the firm? Why?
- What do you like least about the firm? Why?
- How can the firm better serve its clients?
- How can the firm better serve you?
- How can you better serve our clients?
- How can you better serve the firm?
- What are your views about the firm's:
  - Mentoring?
  - Training?
  - Work?
  - Technology?
  - Mission and vision?

#### **Associate Self Assessment**

Each of us owes ourselves complete and total honesty and transparency and we should encourage our team to engage in the same self assessment. Have your associates complete self assessments. That will encourage them to think through what they do well and what they can do better will provide you insight about them. Here is a sample self assessment:

- What are your strengths?
- How have you developed them?
- What are your weaknesses?
- How have you addressed them?
- Which of your legal skills has improved the most? Why?
- Which of your legal skills needs the most improvement? How do you plan on improving them?
- Provide your self assessment, first with a number of 1-10, followed by an explanation for your rating, for your:
  - Research
  - Writing
  - Work Product
  - Timeliness
  - Advocacy
  - Client Service
  - Communication
  - Leadership
  - Business Development
  - Attitude
  - Grit

#### **Associate Strategic Plan**

Each of us, in order to define, pursue and achieve our purpose, needs to devise and follow a personal strategic plan. Just as companies and law firms and non-profits have strategic plans, each of us should have one and you should encourage your associates to prepare one. Here is a sample questionnaire to help prepare a personal strategic plan:

- What is your personal mission statement?
- What is your personal vision statement?
- What are your values?
- What are your first principles?
- What are your talents?
- What are your passions?
- What are your dreams?
- What is your purpose (your purpose is where your talents, passions and dreams intersect)
- Having defined your purpose, what are you goals to achieve them?
- What is your plan to achieve your goals?
- What are the action steps of your plan?
- What is the timetable for your action steps?
- How do you plan to hold yourself accountable to timely complete your action steps?
- Once you've answered all these questions, reduce your responses to a step by step plan to achieve your purpose. This is your personal strategic plan.

#### **Associate Marketing Plan**

Every attorney in your office, including your associates, should prepare a written personal marketing plan.

#### When reducing your plan to writing, consider the following:

- Play to your strengths and personality
- Be consistent with your firm's goals and objectives
- Focus your attention on developing your expertise and relationships with clients you want to attract
- Keep it simple and realistic
- Be as specific as possible who, what, where and when
- Be flexible

#### In the plan, include:

- > Your areas of practice, the fewer the better
- Your target audiences, the fewer the better
- Your top five clients
- Your "A" list at least 15 contacts with whom you will proactively build and enhance your relationship over the next 12 months (current clients, prospective clients, referral sources, other)
- Activities to build closer relationships with your "A" list (site visits, coffee, lunch, handwritten letters, meeting at conferences, etc)
- Organizational involvement –what organizations you want to belong to and lead, and your plans in the organization for the next 12 months (bar associations, trade and industry associations, charities)
- Speeches and seminars you want to present in the next 12 months
- Articles or books you want to write in the next 12 months
- Your online presence and social media
- Time commitment (in terms of hours per week, month and year)
- Budget requested from firm for the next 12 months (also include what you're willing to contribute from your own pocket)

#### **Associate Review**

In addition to having your associates conduct self evaluations, ask the partners to evaluate the associates they supervise. Here is a sample questionnaire:

- What is (his/her) strengths?
- What is (his/her) weaknesses?
- What has (he/she) improved the most?
- What has (he/she) improved the least?
- What makes (him/her) stand out?
- Is (he/she) on a partnership track? If yes, why? If not, why?
- Provide your assessment for (him/her), first with a number of 1-10, followed by an explanation for your rating, for (his/her):
  - Research
  - Writing
  - Work Product
  - Timeliness
  - Advocacy
  - Client Service
  - Communication
  - Leadership
  - Business Development
  - Attitude
  - Grit

### **Afterword** Defining the Associate Role

I mentioned the importance of setting expectations for your associates. Often associates don't know what is expected of them, what their role is and what separates a stellar associate from an average one. I've spoken on numerous occasions to associates about their role at law firms. What follows is my presentation on Defining the Associate Role. I recommend you share these thoughts with your associates to help them better understand and fulfill their role and achieve their career goals.

Excelling as an associate comes down to knowing and exceeding the expectations of your law firm. You must first learn what your firm – which means the partners, the other associates and clients – expect of you, before you can develop the skill set necessary to meet and exceed those expectations.

It's so often said that it has become a cliché – law school does not prepare you to be a lawyer. They equip you with book smarts, but not with common sense, or business sense, or a sense of how to succeed as a lawyer. Not to say what you learn in law school isn't important. It's simply to say it's incomplete. Many have suggested that the third year of law school be transformed into an apprenticeship, but that's a discussion for another day. What follows is a discussion on how to become a stellar associate, a go-to associate, so you become a coveted asset in your firm's litigation team.

Let's start with the term – **EXPECTATIONS**. Firms assume too much when hiring new associates. There may or may not be a detailed orientation. There may be discussions of what the firm's expectations are, but generally they're platitudes, or checklists or even warnings. As associates, you're left with a general appreciation, but not a complete one, of what you should and shouldn't do and what you need to do to go from being an apprentice to being a trial lawyer.

**FIRM EXPECTATIONS** may vary from firm to firm, but most expect the following: Firms want an associate with a positive attitude, who has a strong work ethic, who is proactive with her cases, who takes the time to do the necessary research and editing to put forth strong work product, and takes the initiative to improve her skills, advance the interests of the firm and takes charge of her career. Yes, this is a lot. These are high expectations, no doubt. But if you provided this description to the leading defense firms, they would agree this is what they want. They want smart, proactive, self-starters who work hard and have the firm's best interests at heart. That's the goal. It's a high standard, but not impossible. You can achieve this. Trust me, if I was able to do it, so can you.

As an associate, you are expected to do a lot of research and writing. This is your **WORK PRODUCT**. At times it may feel you're the firm's defacto appellate department. It's not sexy, and often it's deadline driven, but it's one of your core objectives and competencies, and accordingly requires your hard work and attention to detail. Your work product will define you in your firm. Finding the answers to tough legal questions and drafting memos and motions that support your client's position will garner you positive attention. When drafting a memo, letter, e-mail or motion, know your audience. Each partner and senior associate has different expectations, styles and needs. Review memos and motions that either they have drafted or have been drafted for them to see what they like and just as importantly, what they don't. Some like a lot of detail. Some don't. Some like string cites. Some don't. Some like cases being broken down into their component parts. Some don't. And know the basics – what's the purpose of the project you're working on, what will it be used for, how much time should you spend on it and when is it due. The best memo in the world is mediocre at best if it is a week late.

Your work product will be based on your **RESEARCH**. Not to sound like the father who told his son he walked to school five miles each day in the snow in his bare feet, but when I started, Westlaw and other search engines were a luxury that my law firm only let me use on a limited basis. We searched cases and confirmed they were good law by reviewing endless books. I wanted to kill myself. Now research is much easier and more intuitive. A few tips. If your firm doesn't already have access to trial documents in Westlaw, convince them to get it. Having access to others' motions that are the same as the ones you're preparing cuts down on research and drafting time and ensures you're citing the right cases for your issues. Also, more and more helpful legal research can be found by simply Googling your search terms. Do that. And of course, search your firm's database for research and memos on the issues you're researching.

Once you've done the research, direct your attention to the **WRITING**. Good writing is simple, direct and to the point. We lawyers believe we need to say more to say more. Learn to say more by saying less. No matter how good a writer you are, you can improve. Our firm gives everyone a copy of the Elements of Style by Strunk and White. As Managing Partner, I spend more time with our attorneys about their writing than anything else. Our bread and butter is effective communication, and much of that is through our writing. We spend more time writing e-mails, memos, motions and briefs than arguing motions or trying cases. So being a craftsman at writing is something you should aspire to. Look at memos and motions written by others in your firm and study not only what they said but how they said it. How they persuade by their words and have the reader reach the conclusion they want the reader to reach. Buy books on writing and consider taking a webinar or online course on legal writing. It'll pay off.

Not only does your firm want strong research and writing skills, they want compelling **ANALYSIS**. They want you to define the problem and offer the solution. It's not simply telling the partners

what a statute or case means or says. How does that statute or case support your position? Based on your research, how to get from here to there, from learning what the law is to using it to win. Is there a basis to move to dismiss? Is there a basis to move for summary judgment? If there is a potential summary judgment, what evidence do you need to procure and secure to lay the foundation for a summary judgment motion?

Thorough, strong, well-thought out analysis leads to **ANSWERS**. That's what partners want. That's what clients want. They want answers. They don't want you to say, on the one hand, this, and the other hand, this, and if you consider X, on the other hand, this. How many hands do we have? Granted sometimes there aren't answers, and sometimes the answers aren't simple ones. But partners expect answers because clients expect answers from the partners, so your paradigm should be, "What's the answer to this question or problem?" Your attitude should be, "I know there is an answer. I'm going to find it." If you start with the right attitude, you're more likely to achieve the goal you have set for yourself.

Of all the terms listed here, this one is the most important – **GOALS**. I read a lot of business, leadership and marketing books, and my mindset about whether a book is good is simply this –if it gives me one takeaway that I can apply for the rest of my life, then the cost of admission was worth it. Years ago, I read The Seven Habits of Highly Effective People by Stephen Covey. I vaguely remember six of the habits, but one of the habits has become my life's mission – to start with the end in mind. Whatever I tackle, whether it's a new case, or a leadership position, or writing a book, I start by asking myself – "What's the end I want to achieve?" To put it differently, "What's the goal?" Our managing partner always goes back to first principles, and always asks us before we start a project, or take a deposition or argue a motion, us "What's the goal?"

Speaking of goals – what is the goal in each and every one of your cases? – it is **WINNING**. The client wants to win, the partner wants to win, you want to win. Who wants to lose, right? We didn't become lawyers to lose. We're competitive, we enjoy advocating, we search out the fight, put on the gloves and throw punches until the bell rings. Modern day gladiators. So when defining your goals, you need to define what a win looks like. Is a win a defense verdict at trial? That's possible, but not likely. Few cases go to trial and most clients who have to spend a bunch of money to prevail at trial wouldn't consider it a win. How about prevailing on summary judgment? Or prevailing on a motion to dismiss? Certainly, most clients would consider these wins. But how about a quick settlement for a reasonable amount before fees start adding up? Other clients would consider this a win. Even if the case is a sure bet on summary judgment, they may prefer to leverage that for a quick settlement than pursue a summary judgment. And we all know there is no sure bet on summary judgment. And then there are the bad cases - bad liability and bad damages – how do you win those? A win in those cases could be paying less than the policy limits, or limiting or eliminating bad PR, or entering into a quick settlement before the papers and the

media start asking too many questions. You can win every case as long as you reach the right definition of winning.

Once you've defined a "win," develop a **PLAN** on how to get there. Goals are great, but without a plan, they remain goals, never to be realized. Discuss with the partner a plan on how to achieve a win. The partner may want to do this herself, may seek your input, or may ask you to take the first crack at it. Write out the steps to get from here to there. For example, let's say based on the facts as you know them and the research you have done, you believe the case warrants moving for summary judgment. If so, your plan would address what discovery needs to be done to lay the foundation for the summary judgment motion. What documents do you need? Who should be deposed? What loose ends need to be tied to avoid any claims of controverted facts? Not only spell out what needs to be done, but in what order A, B, C and D need to be done. This plan will serve as your blueprint to the case. As new facts come out, tweaking will be necessary, but it will provide you a roadmap on winning your case.

A skill that takes time to develop, and is one we work on during our entire careers, is **COMMUNICATION**. What we say, how we say it, what we emphasize, what we ignore – the ability to effectively and persuasively communicate is a core skill for us lawyers. There is written communication – we've touched upon this. Clearly, succinctly writing why you win. Whether writing to opposing counsel in a letter or an e-mail or to the judge in a motion – communicating why you win is a skill that takes time to develop, and is what separates the good lawyers from the bad ones, and the great lawyers from the good ones. And of course there is oral communicator – at hearings, in depositions, on the phone and at trial. Being an effective oral communicator comes from practice, and young lawyers don't get enough of it because they're often confined to their desks researching and writing. I recommend doing one of the following: joining toastmasters, teaching a class, taking an improv class or lining up public speaking opportunities. None of this practice has to be law related. It's just becoming accustomed to speaking to an audience, grabbing and holding onto their attention and developing the techniques to communicate your message through your words and body language.

If communication is one of the talents that takes a lifetime to develop, **ATTITTUDE** is one that requires no skill set and can have the biggest impact on your career. To quote a truism that has become a cliché – it is your attitude, and not your aptitude that determines your altitude. It is your attitude that will determine how you do at your firm, your career and at life. As young lawyers, you will hear the term Millennial used often, and generally as a pejorative among partners. They'll say Millennials don't want to work hard, they are all about themselves, and they have lousy attitudes. I go to my share of conferences, and at every one, without fail, someone will take a shot at Millennials, either a speaker from the podium or attendees during the cocktail hour.

They assume you don't care and are lazy. That's why your attitude is so important. With a positive attitude where you show your willingness to tackle every assignment, do the hard work, put in the hours and learn your calling, you will distinguish yourself from the term Millennial. Personally, I think Millennials have a lot to offer, but you need to have the perceived attitude of the greatest generation, or of baby boomers, or even Gen Xers, because the perceived attitude of Millennials is generally not a positive one.

As an associate, you're part of a **TEAM**. There's a partner, you, possibly a senior associate, possibly a paralegal, and legal assistant. Each firm staffs their cases differently, and a given firm, depending on the client, will have different staffing arrangements. Big commercial cases may have two partners, two associates and two paralegals. A simple slip and fall may just involve you and a partner, who provides minimal supervision. You need to learn what your role is, and that will differ from case to case. You don't want to ignore a task you should do, or perform a task or make a decision reserved to someone else.

In your role as a team player, the firm will likely assume you're experienced with **TECHNOLOGY**, at least more tech savy than the partner, and if you're not, more capable of learning new technologies since you grew up with computers, the internet, iPhone and iPads. Developing a mastery of your law firm's technology and exposing the firm to other technology is a quick way to ingratiate yourself to the partners. Legal technology is a buzzword I hear all the time and more and more articles, and webinars and presentations are focused on law firm technology. Some of it is simply incredible but most lawyers don't want to spend the time learning about it. Do you want to distinguish yourself? Learn about and study what technology best suits your firm and share what you learned with your firm's leadership. That new database on Westlaw, that new timekeepers' software or that new trial documents app may be exactly what your firm needs.

Just as with your attitude, **WORK ETHIC** requires no skills but goes a long way in making you a stand-out associate. A strong work ethic means different things to different people, but generally what it means in the law firm setting is putting in the hours, capturing those hours timely on your time sheets and staying late or working weekends when necessary. Being a lawyer is not a 9 to 5 job. If you need flexibility, most firms aren't for you. If you have a schedule that prevents you from staying late or working weekends from time to time, then most firms aren't for you. The hard truth is that this is a very demanding job. With smart phones, you need to be accessible 24/7. That doesn't mean you're working 24/7, but if you get an e-mail on the weekends, you need to answer it. If you have a client emergency, you need to stay late and tackle it. Unfortunately, due to technology, clients have come to expect access to their lawyers on their terms. That requires lawyers with the work ethic to respond whenever necessary.

A strong work ethic must be accompanied with **BALANCE**, as in work life balance. To quote my partner again, our profession is a marathon not a sprint. Work hard, yes. Make sacrifices along

the way, yes. But make time for yourself, your family, your faith and your community. This requires planning and flexibility. You need to pencil in time in your calendar for eating out and movies and working out and lounging. And you need to be willing to take last minute vacations because a case settles or a trial gets postponed. Your personal schedule at times will take a backseat to your professional schedule, but you need to be cognizant of finding time for what's important for you and finding ways to make it to little league, to recitals, to game night and other activities that are important to you and your loved ones.

We've been discussing your law firm's expectations. Let's discuss **CLIENT EXPECTATIONS**. Clients want answers. They want to win. They want you to find solutions to their problems. They want you when they want you. When your answers don't mesh with what they hoped, they want to understand why. They are demanding. Some are difficult to work with. But they are the life blood of the firm. Without them, the firm must turn the lights off and send everyone home.

As we discussed, **WINNING** is important to clients. Clients often consider lawsuits to be a nuisance and believe they should win. Work with the partner to define the issues, discover the facts, research the law, define a win, decide upon the goals and develop a plan to achieve them. Once you understand your client's case and the possible outcomes, you can play your role in helping win the case.

Clients want **EFFICIENCY**. They don't want to pay too much for research and writing. They have preconceived notions of what a motion or written discovery should cost. Rely on others' work in the office, in terms of previously served discovery or motions, to get a jump start on your projects and cut down on preparation time. But never put speed before quality. Cutting corners may save time but it can cost you, the firm and the client dearly. For all of us, doing the job right is more important than doing the job fast, and this is especially true for young associates. With time, you'll be able to work both effectively and efficiently. It takes time. Don't be too hard on yourself. Efficiency will come.

Clients want **ANSWERS**. This can be a problem for you because they're often looking for the answers they want. They want you to say their case is great, the other side's case sucks and that you'll get rid of the case in short order. This is where you must get the partner involved. Never answer a client's question about the likelihood of success, settlement value, apportionment of fault – any of the "big" questions – without the partner's input. In fact, partners will want to be responsible for fielding such inquiries. Not only do they have a better idea of what to say, they're better at how to say it. Also, disabusing your client of their unreasonable expectations sounds more reasonable when it comes from the partner. They've been doing it longer, they have the client's ear and respect, they're battle tested and when it's time to settle on less than favorable terms, they're in a better position to explain why the firm's answer isn't the one the client was hoping for.

Clients want **EFFECTIVE** lawyers, ones who get them results. They want lawyers who help extricate them from cases quickly, efficiently and cheaply. At the end of the day, results matter. This isn't middle school. There are no participation trophies. Clients want firms with proven track records who deliver. As an associate, you won't be first chair at trial, but you will be taking depositions and arguing at hearings. Always be prepared and do the necessary homework and legwork to get the best results at motion calendar, special set hearings and at deposition.

Just like you set goals for your cases, your client has **GOALS**. They have bosses to answer to, budgets to meet, and have business goals to satisfy. Learn your clients' business by speaking with the partner and researching it online. Visit the clients' websites. Study their mission statements and values. Learn who they are. Their litigation goals are likely tied to who they are as companies. Learning what they want, what they value and how they speak about themselves will help you help them achieve their goals.

Clients are business professionals, and as such, they expect you have a **PLAN** and can explain how you will execute it. They want to know where you plan to take their case and how you plan on getting there. The notion that you'll serve some written discovery, take some depositions and then mediate isn't enough. The idea that you're going to see what the Plaintiff does or simply lay low and see what happens isn't a plan. A plan assumes you will take charge of the case and direct it. Just because you're representing the defendant doesn't mean you can't be proactive and decide where the case goes. Great defense lawyers direct the case, they don't allow Plaintiff's counsel to direct it.

Let your client define the terms of **COMMUNICATION** between you and her. How often does she want you to contact her? What does she want to be contacted about? How does she want to be contacted? E-mail? Phone? Text messages? Each client has expectations about what you should tell her and how to tell her. Clearly, you should notify the client about important developments in the case and whenever you need her authority to do something in the case. But do you send her a copy of everything that's filed in the case? Some clients want that. Others don't. Should you call her or always e-mail her? That'll depend on the client. Find out from the partner or client what the client wants when it comes to communications from the firm.

If you promise the client something, anything, you must **DELIVER**. That means never over promise. You have a social contract with the client. If you tell her you'll do X then you better do X. If you promise a memo by date Y, you better send that memo by date Y. Each time you don't deliver, you undermine that social contract. And remember, you can't guarantee how a judge, opposing counsel or a jury will behave. Never guarantee an outcome and never assume another person will do something. They may or may not.

Let's move on from Client Expectations to PARTNERS EXPECTATIONS. Understand one thing

when it comes to partners – they are your clients. Treat them like you would treat clients. Be responsive to them the way you would be responsive to the client. Respect them the way you would respect clients. Provide them the same work product you would provide clients. There are no rough drafts for partners. Give them the draft the client would expect. Every interaction you have with partners should be done through the prism that they are your clients. Treat them that way. Most partners aren't used to this and they'll notice.

Whenever you get an assignment from a partner, ask for a **DEADLINE** and get it done by the deadline. If you can't reasonably get it done by the deadline, tell the partner, even if it means the assignment goes to another associate. If there's too much on your plate, you need to let the partner know that you can't make a deadline work. Propose an alternative deadline. See if you can move other assignments around to meet the deadline. Try to work with the partner and agree on a deadline. And if you can't meet the deadline, be honest about it and explain why. As a partner, I'd rather have an associate tell me he can't do something, than tell me he can and he ends up not doing it or doing it late.

Partners want **ANSWERS**. Inter office memos that go on for pages without any conclusions aren't the way to go. Write less, say more. Get to the point in your memos and e-mails to partners and spell out the answer to your partners' questions. And yes, sometimes there aren't answers. In those cases, briefly summarize what you did to secure an answer, so the partner can analyze whether there is anything else to review to secure the answer she is searching for. And provide the right answer, not the answer you think the partner is looking for. Partners often have a preconceived notion of what the answer to their question should be. Sometimes they're wrong.

Partners also want **ANALYSIS**. A simple yes or no to their questions aren't enough. Explain why you win or lose on a given issue. Analysis also helps you better understand an issue. If you can explain to someone else the basis of your answer, you develop a better grasp of the issue and can see secondary and tertiary issues you may have otherwise overlooked.

As with clients, you need to know partners' expectations when it comes to **COMMUNICATION**. And unfortunately for you, each partner is different. Some insist on memos. Some want e-mails. Some want to talk to you in person. Some want every detail. Some want only the most important ones. Some want to be copied on everything you send out. Others don't. Ask the partners you work with what they want when it comes to your communications with them. One of partners' pet peeves is not getting information from associates in the manner they like. Avoid this by asking them what they want.

You're going to make **MISTAKES**. I make my share. When you do, let the partner know right away so you can discuss how to address it. There are mistakes you can resolve on your own and some partners would prefer you do. But there are mistakes that may affect your firm's relationship

with a client, and for those, you need to bring them to the partner's attention and do your part to make things right. If you screwed something up, think through the mistake, analyze how you can address it and provide a solution to the partner. Mistakes are rarely as serious as you think, and most of them can get resolved easily and quickly. It's the cover up that can cause big problems.

Assume **RESPONSIBILITY** for your cases and your career. Yes, they're the firms' clients and cases, but the firm has entrusted them to you, so act responsibility. Treat them the way you would want to be treated if you were the client. And assume responsibility for your career. If all you're doing is billing hours and not taking the time to develop and implement a personal business plan, then you'll be an associate for a very long time.

An important trait for any lawyer is **CONFIDENCE**. Being able to speak, argue and present yourself confidently will result in more meaty assignments and more client contact. If you were a client, you wouldn't want your lawyer to lack confidence, would you? From the partners' perspective, it's easier to reign in an overconfident associate than empower an associate who lacks confidence. A good way to get confidence is to do things outside your cases where you assume leadership roles. Think of leading a committee for a voluntary bar association, for example.

Under-promise and **OVER-DELIVER**. Go above and beyond what is expected and give more in everything you do. The more you exceed expectations, the quicker you will rise through the ranks at your firm.

We've discussed meeting a client's expectations. Let's discuss **EXCEEDING CLIENT EXPECTATIONS**. You want to be the go-to associate not only to your partners but your partners' clients. If your partners know their clients love you and love working with you, that is a big personal win for you and a win for the firm. So let's go back to some of the issues I mentioned earlier.

Let's return to **DEFINING A WIN**. Take the time to speak with others at your firm about similar cases they handled for the same client and discuss what the client wanted and expected in those cases. Go into your case analysis knowing your firm's track record with the client, what the results have been, and how the client perceived those results. Also, search on Westlaw, Pacer and Google and see how they have resolved similar matters.

Remember, when communicating with the client, to keep your **ANALYSIS** straight forward, legalize-free, and offer a way forward that resolves the case economically.

Clients don't like surprises. You can avoid them in part by spelling out to the client all the **STEPS** involved in getting from here to there, from the Complaint to a Win, as you and the client define

a win. Preparing a to-do list and sharing it with the client is a good way for the client to visualize what needs to be done to litigate a matter to completion, whether at summary judgment, mediation or trial.

Clients want to know what is this case going to **COST**? More and more, clients want budgets. Never submit a budget without first discussing it with the partner. Even if she wants you to send it without her approval, get her approval. Clients base their budgets on your budgets, so if you're off, the client won't be happy. And the case will generally cost more than you think to litigate it. It's Murphy's law.

At some point, you're going to write an evaluation letter to the client, discussing liability, damages and a way forward. In this letter, you're going to include **A PLAN TO WIN**. You want to memorialize it in writing so there are no misunderstandings, confusions or recriminations later about what you did or didn't do in a case. Yes, this is classic covering your behind. That's one of our jobs as attorneys.

Once you have a plan, **EXECUTE THE PLAN**. The plan is the roadmap. You want to reach the destination? Stick to the road map. Check it frequently and have it direct your path in the case. Do you need to make a detour? Explain to the client why and change your plan accordingly.

While following through on the plan, **KEEP THE CLIENT INFORMED**. As you check off steps on the plan, and complete to dos, let the client know and keep her informed as to whether the case is proceeding as expected. If not, explain why not.

Plans are just that, plans. They are subject to change if facts or circumstances change. If so, **MODIFY THE PLAN**. But before doing so, seek the partners' input and then the client's. And remember, have a valid reason why you're modifying the plan. If you've been saying you should move for summary judgment all along and suddenly you believe you no longer have a basis to move for summary judgment, point to new facts that have changed the analysis.

What do you do **WHEN YOU MAKE A MISTAKE** when dealing with a client? Get the partner involved right away. Your knee jerk reaction is to fix it yourself, but as I mentioned before, your efforts to fix your mistake may make things worse. There's little the partner in charge hasn't seen, and she's in the best position to address your mistakes with the client or tell you how to address them. Own the mistake, consult other associates about how to handle it, propose to the partner how to address it and tackle it head on. I can tell a lot about a person's character from how they handle their mistakes and the partners at your firm will too.

Your clients, just like the partners at your firm, appreciate a positive **ATTITUDE**. Clients should be able to hear your smile on the phone and appreciate your can do, go the extra mile spirit. We are in a service industry, and our attitude is a big part of the service we're providing. Think about the service you like to receive at your favorite restaurant – it's generally driven by a great server.

Emulate that when dealing with clients.

Clients notice and recognize strong **WORK ETHIC**. Many of them are on call 24/7 because they're constantly responding to legal questions from the business folks at their companies. So they appreciate when you can help them address an emergency. They'll remember that.

Getting back to **COMMUNICATION**. Be prepared to respond to client's inquires after hours and on weekends. I always give clients my cell phone number. You should too. I have clients who text me. I text them back. My job is to make their job easier and to communicate with them on a timely basis on their terms.

Now let's take a step back from interacting and serving partners and clients to some other issues. Let's start with **CONTINUING EDUCATION**. You're in charge of your own legal education. Don't expect the firm to teach you how to excel at being a defense lawyer. There are different aspects to continuing education. First, there is CLE. Look for seminars that teach you how to improve your skill set as a defense lawyer and trial lawyer. Also, look for webinars. They're cheaper, which your firm will appreciate, and they're less disruptive to your schedule. Going beyond CLE, take the time to read deposition and hearing transcripts of other attorneys at your firm and motions and letters they write. And finally, find several blogs or legal resources online that will provide you free info that will help you in your practice. I have several free books for young lawyers. If you follow me on LinkedIn, you can gain access to them.

Find a **MENTOR** at your firm. Your best bet is a senior associate at your firm with whom you can talk through issues that arise in your practice and from whom you can seek tips for preparing for depositions, hearings and the like. Partners are busy, and even though most will say they have an open door policy, most hope you don't take them up on it. Senior associates have been through what you're going through and can share their wisdom with you.

Just as you develop plans for your cases, develop a plan for yourself. Start with a **PERSONAL DEVELOPMENT PLAN**. Where do you want to be professionally in 10 years? Do you want to have a niche practice in cyber security? Do you want to have tried numerous personal injury trials? Do you want to be the go to attorney for product liability matters? Start with the end in mind, and create a personal plan for yourself on how you get from here to there. What's worse than handling a case without a plan? Living a life without a plan.

In addition to a personal development plan, draft a **PERSONAL MARKETING PLAN**. It's never too early to start thinking business development. The relationships that one day will bear referrals need to be developed and nurtured now. Your law and college classmates will one day be in a position to refer you business. Colleagues in voluntary bar associations will one day be in a position to refer you business. Friends you know through volunteer work, your house of worship, little league and elsewhere will one day be in a position to refer you business.

how you create new relationships with prospective referrals sources and how you will grow those relationships over time. To learn more on how to prepare your own personal marketing plan, please download my book Attorney Marketing 101 for free. You can find it on my LinkedIn posts.

Always work toward **IMPROVING YOUR SKILL SET**. Each attorney at your firm excels at something. Some excel as several things. Identify who excels at what and study their work product in that area. A senior associate may be a superb writer. A junior partner may always get the admissions he needs in deposition. See what they do, read what they write and talk to them about how they do it.

As part of improving your skill set, always work toward improving your **COMMUNICATION**. Seek out opportunities to speak and to write, both in your firm, and outside of it. Buy books on communications skills. Listen to podcasts and watch Youtube videos on how to speak and write better.

**WRITING** is key aspect of communication. Take your time with your writing assignments, proofread carefully and consider reading out loud to hear how your writing sounds. There is a plethora of books on grammar, editing, writing and rewriting. Skim through the titles online at Amazon, pick out two or three of them, order them and read them.

**SPEAKING** is a learned skill set. Few of us are naturally gifted orators. You become a great speaker by speaking, a lot. Start small, with shorter presentations in front of smaller crowds, and build from there. Successes on simpler, shorter topics in front of only a handful of people, will build your confidence to speaking longer in front of larger audiences.

Developing your speaking skills will help you develop your **ORAL ADVOCACY SKILLS**. As an associate, you'll develop these skills largely at motion calendar and special set hearings. Don't shy away from opportunities to argue motions. The more you do it, the better you'll get at it.

In addition to your research and writing skills, develop your **CASE INVESTIGATION** skills. Work with others at your firm to develop a master checklist of tasks you should perform when investigating any lawsuit. Yes, every lawsuit is different, and every lawsuit poses different issues and challenges, but much of what we do to investigate one case applies to the next case and the one after that. Speak with your mentor and with others at your firm to learn how to investigate their cases and create a list you can follow on your matters. In fact, you may want to circulate it to the firm. It's a tool everyone at your firm can use.

Most every case has key **DOCUMENTS**. It's your job to identify them, locate them, secure them, review them, study and analyze them, and determine how you can either use them to help your case or diminish their role so they don't hurt your case.

As with documents, there are key **WITNESSES** in your cases. Track them down, and if you're permitted to speak with them, do so. Sometimes you'll want to reduce what they said to writing in a declaration and have them sign it. Sometimes, you'll want to have a court reporter tag along and take their sworn statement. Maybe you just want to record it. Maybe none of these will be appropriate. Your job is to find out who is going to say what as early as possible so you and your client aren't surprised down the road.

**RESEARCH** is your bread and butter as an associate. Take the time to learn everything Westlaw (or if you use Lexis) has to offer. Take the time to learn the ins and outs of Pacer and what's available for free on the internet. There's so much out there and most attorneys have no idea just how much is out there.

As associates, you're generally left doing most of the case investigation and discovery leg work. In light of this, work on your **PRE-TRIAL SKILL SET**. This involves securing and analyzing relevant documents, identifying and interviewing witnesses, researching the legal issues that arise as you review documents and speak with witnesses, and of course propounding written discovery, responding to written discovery and taking depositions. Some of these tasks seem mundane in comparison to trial, but winning or losing at trial is dependent on doing these tasks properly. The fight in the ring isn't won in the ring. It's won in the gym.

When **PROCURING DOCUMENTS**, try to use informal methods so you're not telegraphing to the other side what documents you deem important, which you'll have to turn over to them when you receive them. Find relevant documents and information through background searches, social media searches, online searches, FOIA requests, informal requests, etc. Going into Plaintiff's deposition with documents that undermine his case which his lawyer has no idea exists can help you secure admissions that win the case for you.

**LOCATING WITNESSES** has become easier. With the internet, social media, and all the personal data out there, it's easier to track down folks. If you can't do it yourself (or your paralegal can't do it), consider doing it the old fashioned way and hire an investigator. Get client approval first for the cost.

Remember when **INTERVIEWING WITNESSES**, always make sure you have the right to speak with him. You don't want to inadvertently behave unethically by interviewing a witness you shouldn't be speaking to. Also, be honest with the witness as to who you are and why you're speaking with him. And never encourage a witness to lie.

When drafting **INTERROGATORIES**, know that an attorney is answering them so don't spell out your case theory and show your hand by the interrogatories you propound. Interrogatories best serve the purpose of identifying documents and witnesses. You can pin down witnesses through them, but the more you say in them, the better prepared Plaintiff will be at her deposition.

When propounding a **REQUEST FOR PRODUCTION**, get anything and everything and enclose releases for third party records.

Your case investigation and your written discovery will secure the information and documents you need to prepare for your **DEPOSITIONS**. Make sure everyone you depose advances your case goals and your case strategy. As young lawyers, you may be inclined to depose everyone. It's rare that you need to do so. In personal injury cases, I generally start with the Plaintiff, followed by key witnesses, medical providers and experts.

When **PREPARING TO TAKE DEPOSITIONS**, the first question to ask is what admissions do I want to secure to support my case and undermine my opponent's case? How does this witness help me prevail at summary judgment or trial? What can I get him to say that will move the ball closer to the goal line? How does this witness support my case themes, case strategy and case theory? Think big picture first and then construct your deposition outlines around these concepts.

When **PREPARING TO DEFEND DEPOSITIONS**, appreciate that your client's deposition is the most important deposition in the case. Your client can cost you the case by what she says at her deposition. Therefore thorough and extensive preparation is the rule, not the exception. Gather all the relevant facts from your client, share with her all the relevant facts and documents, go through with her the rules of the road for a deposition, go through the topics you expect her to be asked about and conduct a mock examination with her. Do your prep well in advance of the deposition so if something comes up, you have time to address it.

As an associate, you need **THE ASSOCIATE'S LIBRARY**, a compilation of books and materials that will help you develop the skills you need to become a better defense lawyer.

Let's start with **DEPOSITION TRANSCRIPTS**. Make it a habit to pull up deposition transcripts on your computer, either at the end of the day at the office, or at home, and read other's deposition transcripts. See how different attorneys depose different types of witnesses.

Do the same with **HEARING TRANSCRIPTS**. Read hearing transcripts dealing with motions to compel, motions to dismiss and motions for summary judgment.

Read the **RULES**. The state and federal rules of Civil Procedure and Evidence. Yes, they're boring, but you need to know them. Take your time, but make the effort to read through the rules once a year.

Read the various **GUIDELINES** that are available. The Florida Bar publishes a Discovery Handbook. Courts and judges have their own guidelines. The Trial Section of the Florida Bar publishes guidelines for appropriate conduct in discovery. Familiarize yourself with them. There are a lot of **YOUNG LAWYER MATERIALS** out there. Get involved with the young lawyers section of the **FDLA** and **DRI** and read their materials. Follow bloggers and lawyers who provide free advice to young lawyers. There are a lot of great resources for young lawyers readily available.

Buy books on **COMMUNICATION**. There are plenty of books that will advise you on how to improve your communication skills and provide exercises you can do to become a better public speaker.

Buy books on **LEADERSHIP**. You want to become a leader in your firm, in the voluntary bar associations with which you're involved and in your community. The best author on the topics is John Maxwell. He is the king on leadership.

Buy books on **TRIAL SKILLS**. These books tend to be expensive so ask around the office and see if there any books you can borrow. FDLA put out a book years ago called The Defense Speaks which one of the partners at your office may have. **DRI, FDCC** and **IADC** all have books on deposition and trial skills.

Let's move on from your library to **WHAT I WISH I KNEW**. I've learned a lot about the practice the hard way. I'm going to share some wisdom to save you from some of the mistakes I've made along the way.

Let's start with **FEAR**. As a young lawyer, it's easy to be overcome by fear – whether when it's dealing with opposing counsel, the client, at a hearing or at deposition. Turn your fear into an asset by thinking what may go wrong and be prepared to address that issue if it comes up. Fear makes us think about the worst case scenarios which rarely come to pass. That fear can motivate us to take the extra step to ensure everything goes according to plan.

Work on your **CONFIDENCE**. It will earn you respect, victories, praise and clients.

**PRACTICE** makes perfect. Take every motion you write, every hearing you argue and every deposition you take as an opportunity to improve for the next time.

Everything we do as lawyers, and I mean everything, can be reduced to a PROCESS, a series of steps that if you follow will enable you to reach the goal at hand. There is a process to drafting a motion, arguing it, preparing a witness for deposition, defending the deposition, preparing a cross examination, and so on. Think through the process of everything you do, reduce it to a checklist and tweak the checklist each time you perform that task until you've developed a process that works for you.

As I mentioned earlier, find yourself a **MENTOR**. In fact, don't limit yourself to one. Find a mentor at your firm and one or more mentors outside your firm. Each mentor can help you develop a

different skill set or help you grow as a professional and as a person. And when the time comes, pay it forward, and mentor someone else.

I learned early on that **IT'S MY CAREER**. If I want to develop a niche practice, if I want to become a great trial lawyer, if I want to develop a book on business, that's on me. No one is going to do any of this for me.

And of course, **IT'S MY LIFE**. No one is going to make sure that I'm spending quality time with my family, that I'm eating right, that I'm exercising, that I'm finding time to pursue my hobbies. If you have no life, that's not the firm's fault, it's yours. Set parameters and stick to them.

**NO ONE CARES**. You know how everyone asks you how your weekend was? They don't really want to know how your weekend was. You know how you're struggling with health or family issues? Most people at the office don't really care. Don't expect to fill your emotional needs at the office. You'll just get annoyed trying to do so.

**I'M RESPONSIBLE**. The buck stops here. It wasn't the legal assistant's fault. It wasn't the paralegal's fault, or another associate or the client. I'm responsible for my cases, my career and my life and if things aren't going as they should then I'm responsible to fix that.

**GET UP**. No matter what time you get up in the morning, you can get up a half hour or an hour earlier. Getting to the office early let's you get a jump on the day and lets you plan your schedule as opposed to be a slave to it.

And finally, you have a **DESTINY**. Each of us was put on this earth to do great things. Find out why you were placed on this earth by matching your talents, passions and dream to discovering your purpose.

FEDERATION OF DEFENSE & CORPORATE COUNSEL

