

Helpful Tips on Handling Your First Year As a Lawyer

by Michael J. Schostok

You turn in that seminar paper, click submit on your final exam, and pick up your cap and gown from the bookstore, marking the beginning of the long-awaited end of law school. Graduation day quickly comes and goes, and you get ready for a summer of studying for the bar exam. Goodbye social life, hello sleepless nights. You pass with flying colors (or by the skin of your teeth), attend your swearing-in, and are now preparing for your first day of being a lawyer while simultaneously trying to rid yourself of BARBRI's secured transactions lecture.

While walking into work on your first day, you may think you know everything there is to know about representing plaintiffs; you may think you're an unstoppable advocate in the courtroom; you may even think you're invincible – you did pass the bar exam after all. But the unfortunate truth is, you don't know everything and you're surely not invincible. You will quickly learn that there are seasoned trial attorneys who have been doing this for as long as you've been alive. You will quickly learn that, as intellectually fulfilling and stimulating law school was, it doesn't teach you everything about the *actual* practice of law. Lastly, you will quickly learn that in your first few days and weeks, you're going to hit the ground running – you'll be asked to go to court, write responses to complex motions for summary judgment, or perhaps even take a deposition (good luck).

If you're like me, you're going to feel nervous, anxious, and excited all at once during the first few weeks and months of work. That's expected, and

admittedly a good thing. As you will find out, this time can be intimidating and sometimes dizzying. So, here is a list of tips from some of the things that I've learned during my first year as an associate. I learned some of them the easy way and some the hard way, but they should nevertheless give you some direction on how to navigate this exciting yet daunting time. Of course, this isn't an all-encompassing guide – I'm still learning new things every day and, from what I've been told, will be for the foreseeable future.

Listen

When rookie Assemblyman Abraham Lincoln arrived for his first session in the Illinois State House of Representatives, it is documented that he was “anything but conspicuous.”¹ In fact, during his first legislative session in Springfield, our future 16th President sat “quietly in the background,” paying attention and absorbing the various intricacies of parliamentary procedure, floor debates, etc.² In other words, he listened. He didn't speak much in that first session because he had to learn first. Once he learned, the rest is history.

That same lesson can be applied to your first year of practicing law. As a first-year associate, you're going to be second, third, or even fourth chair on a wide array of cases with experienced trial lawyers. When that happens, there will be strategy meetings with your team, case management conferences (CMC) to attend, depositions to sit in on, and seemingly mundane telephone calls with the first or second chair on the case with your retained expert.

During all of this, it's important that you listen and absorb everything that is going on. Take notes. Keep your ears open. Be a sponge. This isn't to say you shouldn't participate in constructive dialogue with your team. But when the partner or senior associate is talking about an important aspect of the case, from the varying layers of insurance coverage to the cross-examination of their star witness, sit and listen intently. If Abraham Lincoln did it, then you probably should, too.

Ask Questions

As a first-year associate, it's tempting to want to demonstrate to yourself, and especially the other attorneys, that you're self-sufficient, independent, and know what you're doing at all times. But remember, during your first year of practicing, there are going to be things you've never before encountered in your entire life, especially not in law school. For example, law school doesn't teach you how to effectively fill out a CMC order; how to negotiate a settlement on behalf of your client; how to negotiate liens following said settlement; or how to deal with insurance companies and their adjustors. That's why it's important that you ask questions for things you don't know or are unsure of.

This tip goes hand in hand with listening. If you're in a strategy meeting and you're confused about why something is said, ask for clarification. If you sat in on a deposition and you're wondering why a certain question was or was not asked, ask why. If you're unsure of what or how to draft a certain pleading or motion, ask for



help. With that being said, you should try to research these things on your own prior to reaching out; it's always nice to hone in your researching skills and learn on your own. But trust me, you don't want to get something wrong by thinking you know what you're doing when you don't. Even worse, you don't want to jeopardize your client's case by going it alone when swallowing your pride and asking for help would have yielded a better outcome. Don't be afraid or embarrassed. Remember, those seasoned attorneys were once in your position – some not too long ago. They'll understand you're still learning.

Going to Court

One of the most important things you're going to be doing as a first-year associate is going to court for CMCs and status hearings. This can be intimidating as it will be many people's first experiences appearing in court and/or in front of a judge. Not only that, you're going to be stepping up in front of a busy courtroom with

opposing counsel at your side and beady eyes at your back. Therefore, you must look presentable by being professional. When you walk into a courtroom and appear in front of a judge, you're not only representing yourself and your name, but most importantly your firm and its many other attorneys and staff members. Being professional encompasses dressing appropriately and acting respectfully. Be courteous and kind to opposing counsel, court clerks and other staff, and especially the judge.

Additionally, when you do go to court for CMCs, it will oftentimes be to cover another attorney's case. Therefore, your knowledge of the facts and issues of the case will be limited. If a partner or senior associate asks you to cover one of their court calls, make sure you familiarize yourself with the case before stepping up. One way to do this is by looking at the pleadings and the prior order. The attorney asking you to stand in their place should catch you up on what is happening. When

they do, listen and do as they say; it is their case. If they don't, ask them. You do not want to appear in front of a judge when you have no clue what is happening in a case. Not only are you hurting your credibility and reputation, but also that of the other attorneys in your firm.

Find a Hobby

It's no secret that your first year will take up most, if not all, of your time. However, that doesn't mean you should give up doing the things you enjoy outside of work. Finding or participating in a favorite hobby of yours is an excellent way of taking a break, rejuvenating yourself, and relaxing from the day-to-day rigors of your first year. Don't think you'll have time? One can look to our greatest Presidents for why you should have a hobby. During the height of the Civil War, Abraham Lincoln enjoyed going to the theater to "surrender his mind 'into other channels of thought.'"³ He

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knew some would critique his hobby while thousands of men were dying, “but I must have some relief from this terrible anxiety, or it will kill me.”⁴

President Franklin D. Roosevelt led our nation through the depths of the Great Depression and through World War II. But how did he ease his mind during that undoubtedly tumultuous time? He collected stamps. It had been something he loved doing since his father died when he was eighteen-years-old and carried that hobby with him all the way to the White House.⁵ Once when British Prime Minister Winston Churchill visited during the War, he recalled President Roosevelt sitting and sorting his stamps into his albums while “forgetting the cares of State.”⁶ President Theodore Roosevelt enjoyed physical exercise, be it boxing, tennis, or even wrestling with his cabinet members. It is well documented that “robust activity was his way of keeping mental balance.”⁷ President Bill Clinton, as we all know, loved to play the saxophone. President Barack

Obama enjoyed basketball.

My point is, even the busiest people in the world had time to find their getaway. It’s healthy and it will ultimately make you and your work better for it. If Lincoln had time to ease his mind for a couple of hours at the theater during the Civil War, you can take time to enjoy your hobby. If Franklin Roosevelt had time to sort out his stamps during the Great Depression and World War II, you can take a break, as well. Lastly, if Teddy could forgo the day-to-day tasks of his job by wrestling his cabinet members, you can take that much needed break, too. (Just don’t wrestle your colleagues).

Be Organized

As I mentioned earlier, when you begin practicing, you’re probably going to be working on many different cases at once, from a routine auto case to a highly complex medical malpractice case. Therefore, it’s important that you be organized when it comes to all of the cases you’re working on, including their deadlines, tasks, contact information,

and updates. Personally, I have a list of every single case that I am working on at any given time. Under each case name, there are updates, deadlines, tasks that need to be completed, tasks that have been completed, and other important information regarding that case. There will be times when you feel overwhelmed with the amount of work that you have. Being organized and knowing you’re on top of your cases will help ease that sense of overwhelm.

Remember Your Sense of Purpose

As a lawyer, you’re a part of what is arguably the most noble profession in our society. Yet more specifically, as a plaintiff’s lawyer, you seek to represent those that cannot help themselves and are unsure of where to turn after they are harmed by someone else’s carelessness. I briefly mentioned this earlier but it’s worth mentioning again: the purpose of what we do is to help people through what is oftentimes the most difficult period of their lives, times that I suspect most of us have thankfully never had to experience.



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Why is it important to remember this purpose? Because this is the idea that keeps you going. The idea that makes you re-read that response to a motion for summary judgment for what feels like the millionth time. The idea that gets you up in the morning knowing you're doing something good for someone. The idea that you can be proud of after securing a verdict or settlement for a family after their loved one was killed, or after your client lost their limb, or after they can longer work and do what they love because of an injury caused by someone else's negligence.

Hopefully, when you walk into work on your first day, you'll remember this, for this is the central idea of what we do. And when you feel overwhelmed with the amount of work you have, remember this purpose. It will make you work better, harder, and more successfully knowing you're truly making a difference in someone's life.

Endnotes

¹ William H. Herndon and Jesse W. Weik, *Herndon's Life of Lincoln: The History and Personal Recollections of Abraham Lincoln* (New York: Cleveland, Ohio: World Publishing, 1949) pages 110-11 quoted in Secondary Source's Doris Kearns Goodwin, *Leadership In Turbulent Times* (New York, NY: Simon & Schuster Paperbacks, a division of Simon & Schuster, Inc., 2018), page 14.

² *Id.*

³ William O. Stoddard, *Inside the White House in War Times* (Lincoln, Neb.: Bison, 2000), page 191 quoted in Secondary Source's Doris Kearns Goodwin, *Leadership In Turbulent Times* (New York, NY: Simon & Schuster Paperbacks, a division of Simon & Schuster, Inc., 2018), page 229.

⁴ AL, quoted in Schuyler Colfax, *The Life and Principles of Abraham Lincoln* (Philadelphia: Jas. R. Rodgers, 1865), page 12 quoted in Secondary Source's Doris Kearns Goodwin, *Leadership In Turbulent Times* (New York, NY: Simon & Schuster Paperbacks, a division of

Simon & Schuster, Inc., 2018), page 229.

⁵ Doris Kearns Goodwin, *Leadership In Turbulent Times* (New York, NY: Simon & Schuster Paperbacks, a division of Simon & Schuster, Inc., 2018), page 46.

⁶ Winston S. Churchill, *The Second World War*, Vol. 4, *The Hinge of Fate* (Boston: Houghton Mifflin, 1950), page 712 quoted in Secondary Source's Doris Kearns Goodwin, *Leadership In Turbulent Times* (New York, NY: Simon & Schuster Paperbacks, a division of Simon & Schuster, Inc., 2018), page 46.

⁷ Doris Kearns Goodwin, *Leadership In Turbulent Times* (New York, NY: Simon & Schuster Paperbacks, a

division of Simon & Schuster, Inc., 2018), pages 263-264.

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