

Some Suggestions For Lawyers From The Sidelines

By Wendy L. Werner

We all know that in some circles, people complain about lawyers. They also complain about their elected officials. But when it comes to election day, most people return incumbents to office. In regard to lawyers, when people need one, they want theirs to be the best and (sometimes) the toughest around. And like publicly elected officials, many people will have good things to say about their lawyer, even if they may not be so complimentary about the profession. People complain about lawyers for a variety of reasons, some of them rational and based upon personal experience, some of them through envy and others for no rational reason at all.

What you want to ensure is that people do not complain about you for any real or defensible reasons. The following is a compilation of thoughts about how to be an attorney who lives only with the complaints of the irrational or the envious

Maintain effective communication

A group of corporate CEO's asked why they fired outside counsel indicated the #1 reason for replacing one law firm with another was poor communication on the part of the attorneys. Communication ranked higher than expertise or even getting good results. One of the hazards of modern technology in business is the immediacy of communication. E-mail, instant messaging, faxes, and overnight mail have created enormously high expectations for attorney response. Sometimes responding immediately may not offer the best results, nor give the parties involved sufficient time to think through options and alternatives. However, not responding to communication is not the answer.

Keep in mind that being responsive is not to be equated with giving immediate answers or being expected to give immediate results. At one point in my life I heard a 'rule' that people in business should return phone calls within twenty-four hours. It didn't seem unreasonable then, and it doesn't now. Clients want to be heard, and want to know that you are both available and responsive. It is more acceptable to return a client's call to indicate there is not an answer to their question than it is to ignore the call. It is even acceptable under some circumstances to delegate that return call to a client to a support staff person. This communication 'rule' is the same for associates staying in touch with partners. There is no better way in the world to indicate your seriousness about the profession than to return partner calls quickly and responsively.

Remember the golden rule with opposing counsel

One of the aspects of law practice that has fostered both comment and criticism has been civility in the practice. It is unfortunate that some lawyers are not able to recognize the difference between being a strong advocate for their client in the legal process and being difficult and unreasonable the with opposing lawyer. Withholding information, making small changes in a litigation process difficult, not being flexible to reasonable requests, or being verbally abusive with the other side does little to advance the case of your client. Behaving badly either in the courtroom or behind the scenes is a way to create a bad relationship with the judiciary, peers, supervisors, subordinates, or clients. Each lawyer must remember that he or she has only one chance to create a first impression. The actions of today will remain in the memories of those impacted for a very long time.

Very few people are aware of the trajectory their careers will take. Will you some day be a nominee for a judgeship? Will you want to move to a different state and need the recommendations of peers to obtain a license through reciprocity? Might you find that you are for some reason looking for a position with a firm who was frequently on the other side of your cases? If you think about a wide array of options that may occur in your legal career, it may help you think more cautiously about your responses in tense situations with your opposition.

Stay in touch with the outside world

I was once at a program highlighting trial lawyers. One of the participants on this esteemed panel said, "If you want to be a great trial lawyers, don't spend all of your time with attorneys. There won't be any lawyers on your jury. " He then went on to expound. The only way to be able to connect with people in the jury box, many of whom will not know lawyers, and all of whom will not have attended law school, is to speak the language of those not familiar with your profession and its unique vocabulary.

If attorneys spend the majority of their work and free time with their peers, they may begin to lose touch with the needs and concerns of clients, juries, or even their own staff members. (Not to mention family members) If you find yourself addressing your son or daughter's soccer team with the initial phrase, "isn't it truth that..." you are spending too much time with members of your own profession.

Spending time with people outside of the practice of law is also good business. For the most part, your clients will not be other lawyers. If you aren't spending time in places with people in the industries of client groups that you serve, you will have more difficulty developing business.

Welcome others into the Profession

At a recent function where the majority of those in attendance were attorneys, a young lawyer standing on the sidelines confessed to having difficulty feeling welcomed by the group. Sometimes it is the case at such events that friends and colleagues, starved for free time, want to spend social time with those they already know. But, how do more senior attorneys bring young professionals into the fold, and how do they impart to them their views and perspectives on the profession? Although law school helps students learn how to 'think like a lawyer' there are certainly limited opportunities within the curriculum to learn how to 'behave like a lawyer'. Orientation to the profession, and many of the practical aspects of doing the job, happen on the job. Young lawyers need the tutelage, mentoring, and attention of their supervisors to learn how to do the work of an attorney.

There is, no doubt, some understandable resentment on the part of senior attorneys about the significant salaries of some new law graduates. However, new lawyers did not make those economic decisions, and they are still in need of the same kind of development and transition into the profession as those who came before them. It is sometimes difficult for someone in practice twenty years to remember his or her first trip to the courthouse, a first deposition, the first time they were responsible for filing an important motion, or the first time they received a letter back from a supervisor that was more red than black. Taking the time to offer constructive and positive feedback, instructions, or just a thoughtful question can do a great deal to assist a new attorney in learning how to be a better professional.

Remember as well, that new professionals will learn as much from you by your behavior as by your words. See "golden rule" section above. Remember that making expectations clear and communicating effectively with new attorneys will make for a smoother relationship.

Be cognizant of the power of the law

The law is a very powerful tool. Those in possession of the license to use it must never lose sight of its ability to change the lives of those it impacts. Although a client matter may seem relatively small and insignificant to you, this individual or organization is putting their matter in your hands. Most of us are uncomfortable when we feel that we are not in the driver's seat in our lives. Citizens involved in legal disputes are by the nature of needing to hire an outsider to handle their disputes, out of control. Yours is a position of control, authority, and the system itself one of great power. Try and remember situations in your life when you felt completely out of control in regard to something that mattered to you a great deal. This is probably how your client feels. Treat their matter with the respect it is due.

Maintain a sense of humor

Law is serious business. Representing individuals or organizations small or large in regard to legal questions may have serious financial, personal, or even life related consequences. This does not mean that while you are doing serious things that you must always be a serious person. Make sure that you have outlets that allow you to be whimsical, humorous, and fun loving. Experiencing a range of emotions from the lighthearted to the sober will give you a greater range to use when dealing with your clients or with the times when you have no choice but to look at situations with gravity. And it will help keep a serious profession in perspective.

In a world where some outsiders may be envious of, or uncomfortable with the lawyer's role in society, paying attention to these concerns will give you a better chance of being an incumbent when it comes to your clients. Certainly, this is what many of them are hoping for when they turn their matter over to you.

[Back to Top](#) 

Wendy Werner is the owner and principal of Werner Associates, a law firm consulting and career coaching organization. She also coaches lawyers on marketing issues, writes job descriptions, screens resumes and interviews candidates on behalf of law firms and corporations. She can be reached at WernerWL@yahoo.com