



Practice Development

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A Few More Tips for Your Early Days of Practice and Beyond

The first week of my legal career was coming to a close as I sat across my new boss's desk listening to him discuss a recent defense assignment. His tone was casual, but he was focused and precise—making the plan he was developing on the fly seem like he had this case for a lifetime. My hand shook nervously trying in vain to scribble down every word. The assignment was a tender from a downstream subcontractor to our client, also a subcontractor enlisted by the general contractor to work on a renovation project at a condominium complex. Informed only with what I learned in school and picked up through clerkships, I did not know the first thing about defending a subcontractor in a multimillion-dollar injury lawsuit with ten parties, third-party actions, and cross-claims directed at nearly all of them. We went over each party, the factual allegations, contractual provisions at issue, and insurance policies. Then one seemingly simple question was put forth: Under these circumstances, what is the quickest way to get the client some certainty early on?

“A motion to dismiss,” I said too quickly. Wrong. “Judgment on the pleadings,” I tried again. Wrong. I would never get this answer right, for two reasons. First, longing to impress and show immediate worth, I had not listened to the precise wording of the question. Second, the answer (a tender to another party) required knowledge I did not have yet. My boss thoughtfully explained how committing to a recommended course of action must be the last step, not the first step, so that I should do whatever is necessary, *i.e.*, asking follow-up questions or brainstorming with a more experienced colleague, before providing my recommendation, like I had done here. He also asked me to temper expectations for myself – noting it is years before most of us can commit to any recommendation on our own without the guidance of a senior attorney.

My last column, *Five Tips for Your Early Days of Practice and Beyond*, touched on a handful of pointers for lawyers in their first few years of practice. For instance, a mentor could help you develop self-confidence and a practice style that fits. A mentor might also help you establish boundaries to manage your professional life. Developing perspective and maintaining a well-balanced mindset are equally essential in our industry. These are broad stroke tips to consider. With most anything worth pursuing, it will take time and effort to implement the right practice style and to re-frame the way you see things. On-the-job experience handling the same or similar assignments and legal issues, over time, will guide your journey to legal expert status. Until that time, temper expectations and avoid being a know-it-all if you are not, in fact, a know-it-all. On the flip side, here are a few tips that may help starting on day one.

- 1. If You Do Not Know the Answer, Say So:** Being rebuked for honesty is rare. More likely, your mentor or boss will take some time to explain and ensure your understanding. Above is only one example of how a mentor assisted my development. There have been countless times over the last several years that I asked the court for a moment, or asked to return opposing counsel's call, so that I could confer with another colleague first or double check notes. I have never been reprimanded or scorned for making such requests. Gathering your thoughts or confirming a fact is far and away a better strategy than sitting on the fact that you do not know the answer until the last minute or committing yourself to a hurried answer that may be wrong.



2. **Use Google:** Legal research can be daunting and it is easy to lose yourself in Westlaw or LexisNexis only to look up hours later with nothing tangible to show for your time. There is no shame in starting with Google to find a resource that points in the right direction – in fact, that is where I recommend you begin. Use fifty-state surveys, substantive law firm articles and compilations of law, or your firm’s document management system to search for leads. This is also to avoid reinventing the wheel, which saves you time to complete additional tasks—something your partner and clients will like.
3. **Professionalism and Personality Are Not Mutually Exclusive:** If you want to be known as a workaholic machine, your colleagues, support staff, and upper-level management, who are all busy and have their own lives, may very well leave you alone to get through your work. It will be a lot easier to ask a “dumb” question of someone you have bonded with, though. You could spin your wheels behind a closed office door, but the better route is to get to know the people you work with and form relationships. It will make your work product better and your work more enjoyable.
4. **Err On the Side of Saying Nothing:** If you do not know the answer, do not respond to the question. It sounds simple, but us lawyers have a strange likeness of hearing our own voices and far too often use words when the better decision is to sit back and say nothing. Watch, learn, and ask questions of those in your firm until you have gathered enough knowledge and experience to join in with your own voice.
5. **The Curmudgeon’s Guide to Practicing Law:** Pick up or borrow a copy of this short publication. It has helpful hints and guidelines about starting out as an associate, and may help you avoid other pitfalls not discussed in this series.

About the Author

Glenn A. Klinger is an attorney in the Chicago office of *SmithAmundsen LLC*, where he concentrates his practice on insurance coverage disputes involving commercial and professional policies. He also litigates commercial and bad faith cases, and advises clients on issues related to risk management and transfer. Mr. Klinger serves as the Vice-Chair of the IDC Educate Pillar.

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