

A VIEW FROM THE BENCH: DOs AND DON'Ts FOR YOUNG LAWYERS

JOSEPH REEDER, JUDGE

PUTNAM COUNTY, WEST VIRGINIA

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GREENBRIER AND POCAHONTAS COUNTIES

BRIDGE THE GAP

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▶ **DRCS**



1. FIND A MENTOR

- ▶ Find one or more. A mentor is a more senior lawyer with whom you'll form a trust-based professional relationship that facilitates your career growth. They're committed to helping you make all the right moves during each phase of your career. A mentor helps you successfully integrate into a new role and assists you with cultivating a strong professional network.
- ▶ Working regularly with your mentor also helps you navigate the local bar, as well as enhances your professionalism, and legal skills.

MENTEE

MENTOR





2. BE PREPARED

- ▶ It's the easiest thing to do. Know more than the judge. BE PREPARED to be interrupted. Make sure you know the case inside and out. Make sure you've got it all together before you walk into court. If you don't know the answer, own it!
- ▶ Know the relevancy of the cases you rely on. It's very convenient when you can use prior case law or arguments in new litigation. But it sure is embarrassing when you don't know the case that you're relying on has been overturned, modified, vacated, or remanded, or another case with an identical fact pattern exists that better supports your position, and you missed your opportunity to use it. Always confirm whether the case your citing is good law before citing it. Anticipate and address cases that weaken your argument by highlighting factual differences and relevancy.



WE JUST GOTTA FAKE IT

**SOMEONE WILL THINK WE KNOW WHAT
WE'RE TALKING ABOUT**

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3. BE PROFESSIONAL AND COURTEOUS

- ▶ Be polite and formal in court. And be polite in dealings with one another outside the courtroom. Lawyers should always be zealous and passionate advocates for their clients, but to be effective, the zeal and passion have to be properly channeled. Too often in the heat of battle, lawyers devolve from arguing about issues to arguing about personalities – attacking an opposing lawyer’s character, sometimes rudely. Don’t do it! Address your arguments professionally AND to the court, NOT EACH OTHER!
- ▶ Snide comments and snarky remarks may seem clever when you write them, but rarely look good in print, and they never impress a court. In fact, more often such tactics backfire against the attacker, hurting the lawyer’s most precious asset – credibility. As the old saying goes, “you catch more flies with honey than with vinegar.”



4. BE ORGANIZED

- ▶ Be on time to Court and make sure you meet all the filing deadlines. If you're late to a hearing or miss a filing deadline, you hurt your client and your own credibility as a practitioner. Prioritize. Learn to multi-task.



5. WORK COLLABORATIVELY

- ▶ When working with your staff, set expectations. With colleagues – work together – not against each other. And although adversarial, you can work with your opposing counsel and cooperate and not butt heads, yet still do your job as an advocate.



6. LISTEN

- ▶ To judges, managing members, witnesses, counsel. Don't be so wedded to a scripted argument or deposition outline that you're not able to adapt your questioning of a witness or your argument to the court. A witness might be throwing you softballs that you'll not even swing at if you aren't listening to them. Similarly, the court might be making your argument for you, but you have to be paying attention to what the judge is saying to realize it.



7. BE EFFICIENT AND ADD VALUE

- ▶ Value used to be enough; now you also have to be efficient. Great work at less costs.



8. STRUCTURE TIME AND ALLOCATE RESOURCES

- ▶ Professionally and personally. This profession can invade your every being if you let it. DON'T! Put down your phone. Make time for yourself, your family, and your friends.



9. LEARN TO SAY “NO” GRACEFULLY

- ▶ You **CAN'T** do everything and be everywhere. It's much better to let someone know you don't have the time to do something at that moment than to take on a project and not be able to give it your best effort.



10. GET OUTSIDE YOUR COMFORT ZONE

- ▶ I know, early on, that **EVERYTHING** is outside your comfort zone. Remember, it's important to accept and seek challenges.



11. CULTIVATE AND NURTURE RELATIONSHIPS

- ▶ It really is all about relationships. Fun, support, guidance, counseling, and client development.



12. STRIVE TO ACHIEVE WORK/LIFE BALANCE AND WORK AT IT

- ▶ It's a delicate balance, and all lawyers struggle with it, but you have to do it, or you'll burn out and no one will love you.



13. EMBRACE TECHNOLOGY

- ▶ Powerful tools – but they can be a blessing and curse. Use technology, but don't let it abuse you.






14. GET INVOLVED!

- ▶ Don't just belong; be value added. It's good for you and fun for you and often provides networking and social opportunities. Get involved in something you're passionate about, not just something that you think will help client development.



15. BE GOOD

- ▶ Most importantly, be good. Be the best lawyer that you can be by being the best person you can be. You have nothing if not your credibility and reputation. Don't sacrifice it for anything – for any case, client, or anything. The court, clients, colleagues and co-workers need to trust what you're saying to be true.



▶ DON'TS

DON'TS

1. DO NOT SACRIFICE CREDIBILITY FOR ANYTHING

- ▶ No case, no court, no client. Help lawyers move down on the list of “least trusted” occupations. It’s a profession. Being a lawyer requires specialized training and continued education. You’ve worked too hard to get where you are – don’t blow it.

DON'TS

2. DON'T COVER UP MISTAKES

- ▶ In the courtroom or at the firm. If you've missed a deadline – own it. Despite your best efforts, it happens and has happened to us all. Learn from your mistakes and move on. Nobody is perfect – that's why they call it a “practice.”

DON'TS

3. DON'T PROCRASTINATE

- ▶ There are things we all don't like doing. Delays can be costly. If you miss too many deadlines, you risk sanction. You can lose evidence, lose documents, and lose witnesses. Your own memory fades. The task you desperately dread may take longer than if you did it right away.



DON'TS

4. DON'T POSTPONE UNPLEASANTNESS OR DELAY FIXES

- ▶ Lawyers make their living in confrontational, adversarial settings. L&E lawyers who advise clients of the pitfalls of failing to counsel employees and document, go to ridiculous lengths to avoid confrontation with co-workers and/or subordinates. Take a straightforward approach – communicate early enough for remediation because it's more productive than ducking the issue and it festering and worsening. Delivering the message can make you anxious, sure, but delay prolongs the agony. People appreciate straight talkers because they know they'll get the truth.

DON'TS

5. DON'T REINVENT THE WHEEL

- ▶ Lawyers are problem solvers. We like the intellectual challenge of finding answers to questions. Best outcomes often come with understanding of work done by others and building on it. It efficient and cost-saving. There are a lot of tools out here. Clients expect that you'll use them.

DON'TS

6. DON'T HOARD INFORMATION

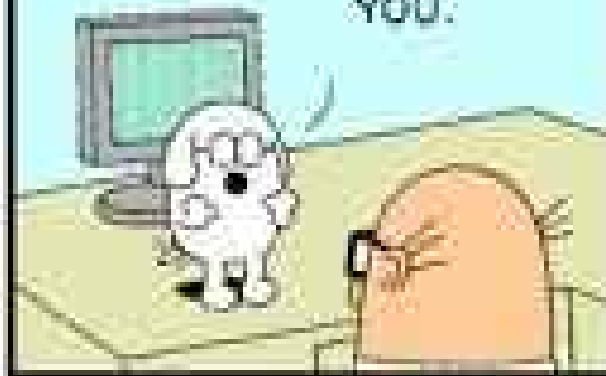
- ▶ See *also* (collaborate). Failing to share what you know can result in others working with the mental equivalent of having their hands tied behind their backs. You may think you gain an advantage by limiting information flow, calling meetings when you know people can't be there, limiting email distribution, but it's a real hindrance to productivity. Limiting input and participation increases potential for unsatisfactory outcomes for clients.

REMEMBER:
KNOWLEDGE
IS POWER.



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SO NEVER TELL PEOPLE
ANYTHING BECAUSE
THEY MIGHT USE IT
TO CRUSH
YOU.



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DO YOU
UNDER-
STAND?

I'M NOT
SAYING.



DON'TS

7. DON'T DISAPPEAR

- ▶ You really can't now. Technology makes us all reachable virtually all the time. Review firm emails, touch base with colleagues and stay connected. Don't be a stealth lawyer. Don't always shut your door, lunch alone, and refuse to attend functions. Hard to succeed flying solo in a firm.

DON'TS!

8. DON'T BADMOUTH COLLEAGUES, OPPOSING COUNSEL, COURT, FIRM, CLIENTS

- ▶ Sounds obvious, but it bears repeating. Everybody gets frustrated but this goes back to credibility and professionalism.

DON'TS! DON'T OVERSHARE!

- ▶ Your generation loves to share, and that's a beneficial thing – some of the time. Be cautious. Offices, courtrooms, and depositions are NOT the place for details of personal life, health, dating status, religion, sex life, or finances. There should be a reasonable zone of personal privacy. Sure, develop friends, but it's probably not a good idea to give a detailed account of how hammered you got at the tailgate when somebody compliments you on your pre-game photo with revelers.
- ▶ Beware the pitfalls of social networking. People lose jobs over these things: oversharing and thinking no one else sees these posts. Before you share – FEEL. THINK. POST.

DON'TS

10. DON'T POUT

- ▶ No crying in the law office or courtroom (by lawyers anyway). Sure, disappointment and sadness are inevitable. It may sound harsh, but tears complicate responses. Tears often don't have effects on empathy or sadness but make someone feel uncomfortable. Sometimes, it's inevitable. If it happens to you, excuse yourself calmly. Go to your office and privately deal.

- ▶ DO ENJOY YOURSELVES IN THE PRACTICE AND REMEMBER, IT'S JUST THAT, A PRACTICE – NONE OF US ARE PERFECT, EXCEPT APPELLATE JUDGES.

