

I Don't Feel Your Pain

A Partner's View of Associates

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Many of you young associates have been raised to think you are the most special person in the world. Maybe you are to your parents, but not to the partner you work for and not to the client. You want to be treated like much-loved house pets, praised for your cuteness and cleverness, and understood and forgiven when you do the legal equivalent of peeing on the rug.

I am going to give you a rather jaundiced view from a partner's perspective.

Many of you make more money than judges and have more rights than prisoners. Although the current financial downturn may have dampened your sense of entitlement to some extent, for some of you it's not by much.

First of all, do realize that being an associate is not a journey of personal discovery—it's a job with partners and clients who have a great number of expectations and generally not that much patience. I am constantly amazed when associates talk to me very sincerely about their personal growth and what's on their life's bucket list. They want the job to be intellectually stimulating but not too hard, well-compensated but not so many hours that their bucket can't be filled with interesting adventures. I had an associate once decline billable work because it wasn't on his "agenda." (I'm not making this up.) He preferred to work on a more interesting pro bono case than the real estate litigation task that needed to be done. I explained that his agenda was not the client's agenda and certainly not the judge's agenda. I wasn't too interested in his personal agenda either.

I truly wish you a well-rounded life, but your rounding off must work within the straight lines that are the parameters of lawyering. The well-rounded life is a process, not something that you can engineer by the time you are 35.

Long before the concept of mentors existed, young lawyers found people to look up to and emulate. Oftentimes, those people had no idea you were looking up to them. The late Lenore Nesbitt, the first female federal judge in the Southern District of Florida, was mesmerizing to me. She was smart, tough, fair, and quite opinionated. I promise you she did not feel anyone's pain. As an aside, she once sentenced a defendant to 40 years in prison. He fell to the ground, and she told him to have a nice day and asked the United States Marshals to take him away.

Dress for Success

Judge Nesbitt is still alive in some fashion, because I find myself frequently channeling her. I say and think things that sound as though they could have come directly from her mouth. Her pet peeve was sloppily dressed lawyers. Mine too. Business casual is a mistake. The most successful partner I work with, a brilliant guy with a huge book of business, wears a suit and tie every day. He inspires confidence not just because he's a great lawyer but because he is an imposing figure. He's still smart when he's in

the office working every Sunday, but the plaid shirt and khakis make him look more like a regular guy and less authoritative.

Women who dress like Barbie dolls get treated like Barbie dolls. Bare is never the right look when you are in lawyer mode. Don't fall into the boobey trap, which is so popular these days. I see cleavage everywhere I go—on law students, associates, and the occasional middle-aged lawyer who really ought to know better.

Frumpy is at the other end of the spectrum, and I see a lot of that these days too. Looking like an unmade bed—wrinkled clothes, dirty hair—doesn't inspire much confidence either. It doesn't read "smart person, must be an intellectual"; rather, it reads "lazy." If you're messy about yourself, it suggests you may be messy about your work, and that goes for both sexes.

Young lawyers, both male and female, think it's OK to dress down. It is when you aren't working, but don't do it when you're with my clients. I don't want you in client meetings looking like you're ready to go grocery shopping or hit the links. I've had clients come in unexpectedly; when you are dressed inappropriately, I won't include you in the meeting. It's disrespectful to the client. Law is serious business, and you aren't going to be taken seriously unless you appear to be serious.

Speaking of inspiring confidence, you may think you are a crackerjack lawyer with a brilliant if slightly untrained mind. You may be right. But we are a business. Making money is not a dirty concept, although it's funny that the associates who complain the most about how much partners earn and the unfairness of it all are generally the ones who want the biggest raises and the biggest bonuses. They ignore the fact that we have the risk and responsibility.

Billable Hours

If you don't want to make money, do public interest law. Let me give you a news flash, we don't get paid unless bills are sent out and collected. Bills can't be sent unless time is entered. Entering your time is not some pesky ministerial inconvenience, another way for a partner to torture associates. It is not the same as making your bed or picking up your toys. If you don't fill out your time sheet, we don't get paid. Entering time is a critical step for the firm to be paid and for you to receive your seriously big salary and bonus. People, be they partners or associates, who don't promptly enter their time make me uncomfortable with their work. It makes me wonder whether they are sloppy, dilatory, and disrespectful of deadlines of all kinds.

On the topic of time, if it takes you three hours to do a project, enter three hours. If I think it's too much, I can always write it off.

When time isn't entered, someone gets cheated—either the

client or the firm. It's hard to remember what I did yesterday, much less a week ago. If I can get my time in, so can you. I have reached a point where I don't want to work with associates or partners who don't put their time in. Everyone who works with me knows my expectations. I tell them up front: You must enter your time or I don't want you on the case.

I understand that the work that goes into litigating a \$30,000 case is often the same as the work that goes into litigating a \$300,000 case or a \$3 million case. However, the litigation budgets are different. I cannot and will not bill a client more than is sensible. I'm mindful that newer lawyers may take more time to complete a project than someone who is seasoned. That's OK; you're learning.

Whatever you do, don't overbill. Yes, it's unsettling to have only 4.2 billable hours in a day. The solution is not to bill 8.4 hours to look busy and impress a partner. It's unfair, dishonest, and unethical. That client's relationship/billing partner does not appreciate people who are heavy on the pencil.

Please understand that even the greatest lawyers have less than stellar months and even greatly disappointing years. It doesn't mean you aren't a good lawyer; it means only that you are having a slow period. We know who the rock star associates are, even if they aren't the ones with the most billable hours.

Litigation is generally ad hoc—you can do a great job for a client and achieve super results, but when the case is over, unless you are fortunate enough to have institutional clients, it's over. There will be other cases, and a successful litigation practice is a marathon, not a sprint. I still worry very much that the phone won't keep ringing, even when I'm insanely busy, but if you are a good lawyer who is responsive to your clients, you will stay busy. Actually, it's when I'm really busy that I fret the most, because I convince myself that when the case ends, there won't be any more work. So far, there has been and there will be for you.

I've noticed that many associates are cultural anthropologists. They study partners as if we are a rare and exotic breed of cat. If you are one of the Margaret Mead types, while you are studying spend less time on grudges or picking out personal idiosyncrasies and more on asking yourself why the person is successful. Is she a great lawyer? A super business generator? Look for what good you can take from the person.

As I look at associates generally and as I speak to my partner friends at other firms, it's clear that the associates on the path to partnership as well as personal and professional success aren't the grumblers. The associates who come into the office to work and inhabit it as a place to practice law, not as a petri dish where gossip is the bacteria, are the ones who will succeed. The negative spore people floating around the office can affect the workplace.

Don't worry if you think someone is being treated better than you are. Compare yourself to the best, not the worst. If you figure

out how to be the best, the rest generally tends to sort itself out. There is a certain social Darwinism that goes on everywhere in life, the law firm included. But it's not just survival of the fittest; it's survival of the best.

Do develop your outside life while you're learning your craft. There's more to life than office gossip and who shot John. Be part of your community in some form or fashion. This takes many forms—coaching sports, volunteering for the Red Cross—whatever enriches both you and your community. If bar activities interest you and bring you satisfaction, do them.

Join organizations and strive to be a leader, not just a member. Don't look for just a line on your résumé. Being a faceless member of a large committee just to say you did it is not impressive. Really participate in the organizations you join.

Do Lunch

One way to get involved in different organizations is to find out what other people are doing and what interests them—they may ask you to become involved in their pet project. How do you find out what people are up to and keep up with people? Lunch.

Don't yield to the easy temptation of having lunch with your pals from work. Two or three times a month, go out to lunch with a classmate or someone you've just met. Chances are you aren't going to be retained by anyone right now because you're young and learning your craft. It takes years to develop both expertise and relationships, and you should work hard at being good at both. But the friends and acquaintances you cultivate now will give you business in the future.

Market within your office as well. I'm always delighted when an associate, particularly in another department, asks me to lunch. I should do more of that myself. It's not easy to expand your horizons away from your safe, familiar lunch bunch, but give it a try. Be bold, ask a partner to lunch—we'll be charmed and intrigued.

Do know that you can be the most charismatic and personable young attorney—indeed, you may be brilliant—but if you don't get work to me in a timely manner, your legal skills are not valuable to me or the client. Litigation is time sensitive and deadline driven. Be realistic about deadlines. Don't promise that an assignment will be completed if you know that it's not possible. If you feel you are overloaded, talk to the people who are assigning you work. They may be able to reassign some of your work. If they are similarly overloaded, stay up late, work weekends, do whatever has to be done to finish the assignment. Whenever an associate tells me he or she couldn't get something to me on time, you can be sure that I am going to be checking his or her hours. It's mind-boggling to me how many times I've heard associates whine pitifully about being jammed up, only to

find out they billed 40 or so hours in a week and didn't work on the weekends. If any of you think we don't check to see whether you are as busy as you say you are, you are naïve.

Many of us, even (or especially) partners, are procrastinators. We tackle the least interesting or most daunting task at the eleventh hour. Try to break that habit and get the boring or mind-numbing project out of the way. You'll feel better and be much admired by the partner who gave you the assignment.

Electronic Etiquette

One way to ensure that you will not be admired by me is to have your head down, looking at your smartphone, fingers flying, and your attention directed everywhere but where it should be. You should know that the only people you really need to be connected with in a meeting are the people in the room. Certainly not your cyber pals. Leave your iPhone in your office. I've been in client meetings where young lawyers are texting or reading emails during the discussion of the client's problem. These people are paying us for solutions. They came to us for help and they are paying us, which entitles them to our undivided attention. Don't sit in depositions texting and reading emails, either. Even if I'm taking the deposition, you are there for a reason—to be an extra pair of ears, to take notes, to think. It is unimaginably rude to be staring at your smartphone or laptop. I doubt very much that you are emailing about anything business related. It shows disinterest to me and I'm sure to the client as well. More important, it makes you seem socially awkward and unable to communicate other than electronically.

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I once took a group of new associates for drinks. One of our number spent the entire happy hour (there were only five of us) reading and pounding away at her BlackBerry. It wasn't work-related; she was someone with poor social skills and rude as well. I am happy to say she is not a litigator.

A dear friend of mine, a very prominent lawyer and no stranger to his BlackBerry, told me he was in court with a young lawyer who was texting. He gently touched the associate's hands so that the device went under the table. After court, he told the guy he had better not ever do that again. I agree. Personal

communication devices have no place in court. Judges, regardless of age, don't appreciate the lack of respect and attention that texting in court exhibits.

I often wonder whether the decrease in writing skills is the result of the younger generation of lawyers being hooked on the Internet, familiar only with quick reads and the use of abbreviations in communications.

Most judges and partners are old school. Do not give us a written product filled with typos and grammatical errors, or something that reads like an email. Even if you have created a sound, well-thought-out product, I won't trust it because you gave me sloppy work. A client shouldn't be paying me to proofread your document; you should do that. Be proud of the work you present.

It is the partners who are responsible for giving you work. I understand that and very much feel an obligation to you and my partners. It is anxiety-producing not to have work. If you find yourself in uncomfortable downtime, make good use of it. Write an article, schedule lunches, give talks, and do volunteer work. Don't sit around and complain; make use of the time.

Speaking of time, make sure your time is available for work. I understand and respect that you have a personal life, but clients really don't care. I don't much either if it interferes with work. Leave your phone on. I'm not calling you to chat, and I don't particularly want to talk to you over the weekend or at night, but if I call or email you, get back to me. I'm available for my clients and you should be, too.

A wonderful and smart lawyer from Texas told me about an associate who turned in a project on a Friday afternoon. My friend tried unsuccessfully all weekend to reach the associate to ask questions about the project. On the following Monday, the associate never acknowledged that the partner had been trying to reach him. My guess is that the associate is not on the fast track.

Litigation Isn't a Lifestyle

I knew an associate who took umbrage at receiving Sunday calls. It was the day before major depositions, but this associate had a "life." My view is "tough." Answer the phone and answer my questions. The associate certainly didn't mind cashing the paycheck, but didn't grasp that this is more than a Monday-to-Friday job. Partners seem to work more weekends than associates. Expect me to be fair, to appreciate your hard work, but understand that litigation is a life, not a lifestyle.

If you expect to be entertained, go to the movies. This is work, and it is sometimes fun, exhilarating, satisfying, and challenging. At other times, this work is pedestrian and, indeed, boring. You get paid either way. The less-than-satisfying work paves the way for the fun stuff.

Recently, *someone close to a young lawyer I know*, a

second-year associate, complained that the associate didn't find the work "interesting." The associate was doing email review for a very large piece of litigation.

Not interesting? How great to be paid scads of money for a job that doesn't require backbreaking work. I've been a waitress; that was hard work. People who work on assembly lines, pluck feathers from chickens, or do other kinds of honest but less-than-scintillating work don't find it interesting. I'm betting there are many people who would love to make what many young lawyers make, even if it's not interesting work. My point: Don't complain about your work. I've been practicing for many years and I've had plenty of less-than-fascinating days. Looking back at my career, I am so lucky to be a litigator—it is a rewarding, interesting job.

For all the snarkiness of my remarks and seeming insensitivity to the plight of young lawyers, I understand that it's sometimes tough going. I feel responsible for helping you become a good lawyer.

When you go to court or take your first deposition, I worry for you and about you. Understand the trust and leap of faith it takes when you are sent out to lawyer, without adult supervision. It's not unlike leaving a teenaged child alone for the first time. If something breaks badly because an inexperienced lawyer didn't have a good skill set or wasn't prepared, it's my fault. But it's great to be able to tell a client that a young lawyer handled something in a skilled and economically efficient way and got a good result. I am happy when you succeed and grow. I want to be the partner you remember nostalgically when you're looking back on people who made a difference in your life.

Please understand partners' business pressures. We have to do good legal work, and we've got to find the work. When the client is stressed or unhappy, the client calls me, not you. I can't pout or stamp my feet if a client is fussing, and you shouldn't either. Even if clients are difficult, they are entitled to their say. I have to listen to what they have to say and move on. You should do the same. If you have made a mistake and the client or partner is unhappy, don't make excuses. If you dropped the ball, I'm more likely to accept it and respect you for your candor and willingness to take responsibility than if you come up with some lame excuse. I know that the dog didn't eat your homework and that you probably didn't do the legal equivalent of your homework in the first place.

Bottom line, I don't feel your pain, but it would pain me if you didn't evolve into a skilled, mature, and content litigator. Litigation is a calling and a profession that yields enormous satisfaction. I hope that our working together will enable you to learn to be a good lawyer and share the joy of what we do. ■