

The Legal Intelligencer

Use Law School Skills to Adapt in the First Year

By Cliff Sacalis

The Legal Intelligencer

September 10, 2013

On my first day as a full-time litigation associate, I took 1.1 hours to "enter appearances in Bucks County Court of Common Pleas." If I had not retrieved my old reports, I might not have believed spending such an inordinate amount of time on this task was possible; there really is nothing to entering an appearance. That first day, however, I didn't know what the rules of civil procedure had to say about entries of appearance, who had to sign the entries or what a certificate of service was, what format the entries had to be in, or even what constituted acceptable practices for mailing documents to court. So perhaps that time entry perfectly captures the sense of bewilderment that all first-year associates experience when they finally start to practice law.

With so many questions to answer for every new task, it's not surprising that many first-years question the utility of their three-year law degree and ask how (if at all) earning that degree prepared them to practice law. This feeling is completely valid because, truthfully, first-years really don't know anything about practicing law. Despite this harsh truth, young associates grinding through their first year at a firm should be aware that law school has, in fact, equipped them with valuable tools to help conquer many of the inevitable uncertainties of practicing law and ease the transition from student to full-time attorney.

Part of coping with the uncertainty and nerves that accompany life as a first-year associate is recognizing and preparing for the change in responsibilities from a student or an intern to a practicing attorney. Law students largely set their own schedules, spend as much or as little time on their work as they desire and have only their own expectations to meet. As freedom is to student life, structure is to life as a summer associate or legal intern. Legal internships usually consist of discrete assignments and a managed workload, substantive discussions of assignments and face time with summer colleagues. In both roles, the student and intern will generally understand exactly what their workload consists of or, at the very least, that it will not become unmanageable.

The responsibilities and demands of first-year associates differ greatly from student life and interning, though. The students' freedom to set their own pace and the interns' modest amount of actual responsibility disappear. Instead, new associates are likely to be inundated with large volumes of unfamiliar work and given multiple deadlines to manage from the get-go. Also, because of the practicalities of assigning attorneys' schedules, it may not be possible to get in-depth explanations for each new assignment. In fact, first-years may find they will go a few days or the better part of a week without hearing from their assigning attorneys.

The first-year knows the expectations are still out there but is seemingly left to fend for himself or herself. Because everything is brand new and first-years understand so little about what they're doing, this can lead to time wasted researching things that are only marginally related to the first-

year's task. All of this can cause panic. And, while this collection of events may not happen every day, at some point the perfect storm will hit and it won't be easy trying to manage multiple projects and produce quality work product in short amounts of time.

Until new associates have had an opportunity to handle many different tasks and gain a broader understanding of the life of a case and the many facets of litigation, they will likely be unsure how to proceed whenever something new comes their way. Law students and interns are simply not exposed to enough of the details of practicing law to understand the many mundane tasks involved, such as entering attorney appearances, much less larger tasks like organizing a document review concerning a failed multimillion-dollar merger. There are ways to reduce the fear and uncertainty that accompany practicing law as a first-year, though, and these strategies involve deploying many skills learned or developed in law school.

First, new associates should draw on their substantive legal knowledge whenever possible, especially for new assignments. Although most cases will not require an adverse possession analysis, first-year associates will be able to put to use much of the legal knowledge they've already developed. For instance, first-years know the different standards for summary judgment and a motion to dismiss and should consider them when drafting. Similarly, they know the rules for removing cases to federal court and if an attorney sends them a complaint filed in state court that raises a federal cause of action, they can suggest to the attorney that the case be removed.

Even if first-years don't know the area of law well enough to make such direct suggestions, they generally know where to find the answers by reading the rules; by understanding the hierarchy of statutes, regulations and case law; and by employing their now unparalleled research skills. While first-years may not feel comfortable contributing new ideas right away, they have the legal background to inform themselves of the relevant law and to make reasoned suggestions to their colleagues when the time comes to draft a motion or even answer a phone call from an attorney.

Another key to overcoming the nerves of handling voluminous new work as a first-year associate is to appropriately manage the workload and deadlines. New associates will not necessarily know what work is coming their way or when, but they can be better prepared for the times when work is piling up if they use time-management skills they developed in school.

In law school, first-years should ideally have figured out a successful system to finish both time-consuming daily assignments and long-term projects. Like the first time briefing a case for class or drafting the 1L memo, all new tasks will take longer than expected. Until first-years get used to the work and develop efficient methods for handling these new tasks, they should prepare for the unfamiliarity and allot themselves sufficient time to finish all of their projects.

Most first-years likely kept organized in school by putting each of their exam dates on a calendar early in the year, as well as the date their journal article would be due or their moot court argument would occur, and working backward. Keeping track of deadlines is of utmost importance in a law firm because of myriad work deadlines, both with colleagues and with the courts, and other obligations that will require attention.

Along with being smart about their scheduling, first-years can better manage their workloads if they communicate effectively. Just as asking and answering questions in the law school classroom helps to gain a fuller understanding of the topics, asking questions of colleagues at the outset of an assignment will create a more complete understanding of the assignment, the case it is a part of and the litigation process as a whole.

Once given a new case, first-years should make every effort to keep their assigning attorneys apprised of the progress of their work and the status of the case. Through participation in a trial practice team, a journal or another extracurricular activity, most first-years have likely come to understand the importance of being able to rely on others and to be accountable to others. The law firm is no different. First-years should let their assigning attorneys know immediately when they believe an assignment might take longer than expected. This allows assigning attorneys to appropriately staff cases and meet deadlines if they don't think the first-year can handle what they are asking for (and they know better).

Also, to make assigning attorneys' lives easier and avoid panic from impending deadlines, first-years should constantly be updating their colleagues on due dates. For instance, if a first-year turns an assignment in and has not heard back from the assigning attorney in a few days, he or she should send a reminder of the draft and the necessity of meeting a particular deadline.

First-years cannot worry about being overly communicative and delay providing status updates. This will only put them and their assigning attorneys in a hole from which they may not emerge. Communication makes everyone's work lives easier and can greatly reduce the stress a first-year experiences.

New associates should expect to feel very unprepared to practice law when they arrive at their firms and should also expect that feeling to linger. But making it through law school and learning how to handle the work and multitude of other obligations that arise there can generally help first-years adapt to and manage the new stressful environment in which they've just arrived. So, first-years should quickly accept the fact that they know nothing about practicing law, skip the nervous breakdown and think proactively about their assignments and how to manage their work — just as law school has taught them.

Cliff Sacalis is an associate in [Ballard Spahr's](#) Litigation Department. He was a member of the firm's 2011 summer associate class.

Reprinted with permission from the September 10, 2013, issue of *The Legal Intelligencer*. © 2013 ALM Media Properties, LLC. Further duplication without permission is prohibited. All rights reserved.