

2012

Managing Your Legal Career

Practical resources and tools to accelerate your success from the start!

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How will stress affect you?

A feeling of isolation can be either a cause or a symptom of job stress and dissatisfaction for lawyers. Benjamin Sells, a lawyer, in his book *THE SOUL OF THE LAW*¹, discusses three attributes of lawyers that contribute to feelings of isolation within the legal environment.

The habit of arguing

Thinking about every issue in terms of its pros and cons is a hard habit to break and can lead to disconnection with family and friends. The lawyer, as well as the family member or friend, might feel isolated and misunderstood. These feelings could lead to ongoing problems with these relationships.

The rational, objective mind

Law school isolates its students from the rest of the world by training them to view human problems objectively, intellectually and impersonally. The strength of objectivity in approaching client problems requires the lawyer to ignore personal feelings, beliefs and emotions. Living this paradox creates internal conflict. Outside of the office, the lawyer leaves little room in his/her own life for feelings, beliefs, and emotions. Friends and family may view the lawyer as aloof or disinterested. Again, the lawyer, and the family member or friend, may experience detachment and isolation.

The competitive nature

Law school begins the never-ending race for the best grades, the best jobs, the best clients, the most money, and the largest judgments. Failure in any of these professional pursuits can trigger feelings of mediocrity and loss of prestige and power. Increasing pressure results from the growing number of lawyers admitted to practice. Under the pressures of deadlines and billing thousands of hours, the lawyer feels there is no time for anything but work. Even when he wins, the lawyer can be self-critical, evaluating methods for improved performance, or increased revenue. Fear of humiliation and powerlessness from possible failure may contribute to depression.

What are good strategies to avoid burn-out and stress-induced risks?

Stress is not always a bad thing. Stress can provide impetus to get the job done. What we need to guard against is **distress** and **negative reactions** to too much stress.

Here are some strategies to consider:

Develop professional networks

- Relationships with friends and family can provide a sounding board or recreational outlet.
- Professional networks provide a place to vent professional concerns, gather ideas, formulate solutions, and enjoy your work.

Time management techniques and saying no

- See clients by appointment.
- Limit the scope of telephone conversations.
- Conclude meetings on time.

¹ Benjamin Sells, *THE SOUL OF THE LAW: UNDERSTANDING LAWYERS AND THE LAW* (1994).



- Avoid meetings without an agenda.
- Avoid monitoring email throughout the day.
- Make appointments with yourself for regular meals, quiet time, going to the movies, etc.
- Set priorities based upon your values and what is important to you.
- Use a convenient time-management tool - high tech or low tech is not important; if you do not use it, it is worthless.

Organizational skills to simplify your professional and personal life

- Control clutter at the office and home.
- Keep your workspace clear.
- Organize your client files and reference or resource files to be easily accessible.
- Organize emails into sub-folders by subject matter or client name.
- Simplify your office space. Throw out those old bar journals.
- Shred unnecessary duplicate documents and delete duplicate electronic files.
- Make it a point to clear off your desk at the end of the day.
- Put those file folders back into the file cabinet.

Set reasonable expectations

- You got where you are by working hard. Continue to work hard, but try not to be too hard on yourself.
- Do the kind of work you enjoy and be the best you can at it.
- Remember that you can give good advice, but you cannot control your clients or other people's responses.
- Recognize your own strengths and weaknesses.
- Have a sense of humor; it can carry you through a tough day.
- Not all problems have a happy solution.
- "Fire" problem clients early.

Learn More

In this program...	See "Time Inventory Chart" and "Career Goal Planner"
At the Bar...	<ul style="list-style-type: none">• WSBA Lawyers Assistance Program (LAP) or go to wsba.org under Resources and Services >Lawyers Assistance Program• WSBA Law Office Management Assistance Program (LOMAP) or go to wsba.org under Resources and Services >LOMAP
On the web...	Legal Career Development, Balance and Lifestyle, Stress, Preadmission



How do you handle stress and crisis?

What are some consequences of stress and burnout for a lawyer? Ellen Conedera Dial, President of the WSBA, 2006-2007, notes² that lawyers are at a greater risk than the general population of suffering depression, as well as a number of other symptoms related to stress. She notes that studies conclude that the practice of law is among the top three or four occupations with incidences of clinical depression, if not the most likely to suffer from it.

Symptoms of depression

If you recognize these symptoms of depression in yourself or someone you know, please seek help:

- Persistent feelings of sadness or irritability
- Loss of interest in activities once enjoyed
- Changes in weight or appetite
- Changes in sleep patterns (e.g., insomnia, excessive sleeping, oversleeping in the morning)
- Feelings of guilt or worthlessness, hopelessness
- Inability to concentrate or make decisions
- Fatigue
- Restlessness or lethargy that is noticed by others
- Thoughts about suicide or death
- Isolating or avoiding friends and family
- Persistent physical symptoms that do not respond to treatment, such as headaches, digestive disorders, and chronic pain

It is difficult to be self-aware of these and similar problems. If you think you could be affected, but are not sure, talk to a professional. A self-referral is far better than a disciplinary one.

Signs of substance abuse

Chemical dependency or alcoholism is not a moral weakness – it is a chronic but treatable illness. It is estimated that at least 20 percent of attorneys are affected by this disease – even more experience problems in their lives because of alcohol or drugs.

If *any* of these symptoms are present in your life, or in the life of someone you know, there may be cause for concern:

- Drinking or using to bolster courage, calm nerves, improve performance or deal with difficult people or situations
- Drinking or using “on the job,” before appointments, meetings, depositions or court appearances
- Failing to show for appointments, meetings, depositions, or court appearances; failing to return phone calls
- Missing deadlines or neglecting work; overall work quality declining

² Ellen Conedera Dial, **President's Corner: Seeing the Light: WSBA Offers Help to Members in Need**, WSBA BAR NEWS (December 2006).



- Blaming others for mistakes, difficulties or problems
- Avoiding partners, office staff, friends, family or clients
- Drinking or using alone
- Increasing family or marital discord
- Making excuses for or lying about frequency or amount of drinking
- Driving while under the influence (whether caught or not)
- Experiencing “blackouts” or memory lapses when drinking or using

Behavioral changes may display as irritability and/or mood swings, extreme temper, anxiety, or depression. The individual may experience a loss of memory or blackouts, times when he/she does not recall what happened. He may withdraw from friends and social activities.

At work, the individual may exhibit changes in work performance, such as absences and tardiness, especially on Mondays. Work may decline in the quality, timeliness, and quantity. Considerable disorganization may lead to missed deadlines and appointments. Lunch breaks may be longer and you may observe changes in mood in the afternoon.

The individual may change in appearance and neglect personal hygiene. He/she will look tired and report insomnia. Maybe you notice frequent shaking and/or sweating, loss of appetite, weight loss, and slurred speech.

Learn More

In this program...	See other topics in this section.
At the Bar...	The WSBA Lawyers Assistance Program (LAP) offers confidential mental health and chemical dependency counseling services for Washington state judges, lawyers, and law students. The purpose of LAP is to prevent or alleviate problems before they jeopardize an individual's ability to practice law. All services and referrals are strictly confidential between a client and psychologist. LAP's staff and peer counselors are available to give presentations at your office or county bar meetings. Topics include drug and alcohol abuse, stress, depression, communication skills, and grief and loss, among others. For more information, call <i>in confidence</i> 206-727-8268 or toll free 1-800-945-WSBA (9722), ext. 8268, or go to wsba.org/ lap .
On the web...	LAP, Legal Career Development, Balance, Lifestyle, Stress, Crisis, Preadmission



What are your career options?

Determining career objectives and goals

The average American will work for 10 different employers, keep each job 3.6 years, and change careers three times before retiring.³ Legal careers are no different; the fact is that many lawyers find themselves in transition at some point in their legal career for one reason or another. Can you think of reasons why the legal profession is not immune to career transitions? Why do lawyers change firms? Why do lawyers move from government practice to private practice? Do you know any lawyers in a non-legal career?

Evaluating career paths and resources

There are many jobs open to someone holding a law degree. For now, we are not looking at just any job you can do with a law degree, such as write an award-winning novel or screenplay (e.g., John Grisham). Specifically, we want to look at some present options for practicing law.

- Do you presently have a job or job offer in the area you want?
- How did you decide what area of the law you wanted to pursue?
- What things did you consider in deciding what kind of practice to engage in?
- What are some other options you might enjoy doing?
- What do you think would make it enjoyable?

Is government practice for you?

There are significant differences between private practice and government positions. Whether you choose government practice for a long-term career, or as a means to an end, be aware of these factors⁴:

- Attorneys can obtain significant hands-on experience in government positions.
- Government positions pay less than large firm private practice positions.
- Government positions often appear more “family friendly” than private practice positions because of the lack of billable-hour requirements.
- Government positions allow more flexibility in work schedules than private practice.
- Finding the “right” position in government can be challenging. Networking is one of the best ways to get a position in government.
- Some government positions de-emphasize networking and bar association involvement and could present problems for future marketability.
- Promotions are sometimes rare in certain government positions. Staying in one position for too long can negatively affect your career.

Learn More

In this program...

See “Time Inventory Chart” and “Career Goal Planner” in this section.

³ David P. Helfand. CAREER CHANGE (2d ed., VGM Career Horizons 1999).

⁴ Sunil R. Harjani, Alexander P. Ryan, Lindsay Hansen. *How to Transition Between Government and Private Practice*, Young Lawyers Division Member Service Project, 101 Practice Series.



At the Bar...	<ul style="list-style-type: none">• WSBA Sections New admittees are eligible for one free section membership in the year of admission. On wsba.org under Legal Community >Sections• WSBA Career Center on wsba.org under About WSBA >Careers
On the web...	<ul style="list-style-type: none">• ABA YLD 101 Practice Series <p>Sections, LAP, Legal Career Development, Balance and Lifestyle, Job Seekers, Career Options, Preadmission</p>



How do you manage your time effectively?

If you spend your time on the things that are important to you, your life will balance.

1. Measure how you spend your time

Complete the **Time Inventory Chart**. This requires that you write down the time spent on a range of activities, every day, for a week.

2. Create a list of your career and life goals

Long-range goals – List those things that overarch your interests and strengths. Put down anything that comes to mind. Don't think about it or analyze it, if something occurs to you, write it down. Consider these questions:

- What are you hoping to accomplish in your life?
- What makes you most proud?
- What is your biggest regret?

One-year goals - List those things that stand a reasonable chance of being accomplished within the next 12 months.

Short-range goals – Things you hope to accomplish during the coming month, including work priorities, personal growth, recreational activities, etc.

3. Think about how your goals match up with how you spend your time

Compare your current use of time, as shown by your time inventory, to your list of goals

4. Prioritize your three lists of goals: long-, medium- and short-range.

Complete the Career Goal Planner.

- **Top priority:** those items ranked most essential to you.
- **Middle priority:** those items that are important to you, but you could delay.
- **Low priority:** those items that you can defer indefinitely with no harm done.

5. Once you have prioritized your lists, choose four top priority items from each list. You will have 12 top priority items representing your current goals.



Time Inventory Chart:

How you spend your time determines your commitment to goals. Using the chart below, write down the time spent on each of your activities each day for a week. The total amount of time for all activities, including sleep, should equal 24 hours.

Activity	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thu</u>	<u>Fri</u>	<u>Sat</u>	<u>Sun</u>	<u>Total</u>
Sleep								
Work: Office								
Home: Chores & Errands								
Commuting & Travel								
Meals								
Dressing & Personal Hygiene								
Family & Personal Time								
Education & Self-Improvement (not related to work)								
Professional Activities								
Community Activities								
Leisure								
Other: _____								
Hours unaccounted								



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Career Goal Planner Circle the top four (4) priority goals from each category. Focus on these 12 top priority goals for the next two months. Then, make a new list or simply adjust this one. Some goals will remain on your top priority list; others will drop off. Set specific, easy to accomplish steps for each goal. Set aside time each day to work on your top priority goals. Emphasize results rather than activity. Work toward your goals each day.

Lifetime Goals (long range)

- | | | |
|----------|----------|----------|
| 1. _____ | 4. _____ | 7. _____ |
| 2. _____ | 5. _____ | 8. _____ |
| 3. _____ | 6. _____ | 9. _____ |

One-year goals (medium range)

- | | | |
|----------|----------|----------|
| 1. _____ | 4. _____ | 7. _____ |
| 2. _____ | 5. _____ | 8. _____ |
| 3. _____ | 6. _____ | 9. _____ |

One-month goals (short range)

- | | | |
|----------|----------|----------|
| 1. _____ | 4. _____ | 7. _____ |
| 2. _____ | 5. _____ | 8. _____ |
| 3. _____ | 6. _____ | 9. _____ |

Learn More

In this program... At the Bar...	See other topics in this section. WSBA Lawyers Assistance Program (LAP) provides Job Seeking Assistance through groups and individual consultation. For more information, call 206-727-8268 or toll free 1-800-945-WSBA (9722), ext. 8268, or go to wsba.org/lap .
On the web...	LAP, Legal Career Development, Balance and Lifestyle, Career Goals, Preadmission



What are the skills that will help you succeed?

In 1989, the American Bar Association formed the Task Force on Law Schools and the Profession: Narrowing the Gap to study and improve the processes by which new members of the legal profession are prepared for the practice of law. In 1992, the Task Force filed its final report, commonly referred to as the MacCrate Report.⁹

In its introduction, the MacCrate Report notes:

The skills and values of the competent lawyer are developed along a continuum that starts before law school, reaches its most formative and intensive stage during the law school experience, and continues throughout a lawyer's professional career.¹⁰

A list of skills and values that an individual needs to become a competent and responsible member of the profession, in other words, skills and values that legal employers often expect new attorneys to possess, are detailed in Part Two of the MacCrate Report. Some of these skills are acquired from the new lawyer's own experiences, others from law school, and the rest are developed on the job.¹¹

Skill 1. Problem Solving

In order to develop and evaluate strategies for solving a problem or accomplishing an objective, a lawyer should be familiar with the skills and concepts involved in:

- Identifying and diagnosing the problem
- Generating alternative solutions and strategies
- Developing a plan of action
- Implementing the plan
- Keeping the planning process open to new information and new ideas

Skill 2. Legal Analysis and Reasoning

In order to analyze and apply legal rules and principles, a lawyer should be familiar with the skills and concepts involved in:

- Identifying and formulating legal issues
- Formulating relevant legal theories
- Elaborating legal theory
- Evaluating legal theory
- Criticizing and synthesizing legal argumentation

Skill 3. Legal Research

In order to identify legal issues and to research them thoroughly and efficiently, a lawyer should have:

- Knowledge of the nature of legal rules and institutions

⁹ American Bar Association. *Overview of Fundamental Lawyering Skills and Values*, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT - AN EDUCATION CONTINUUM [MacCrate Report] pp. 138-141 (Chicago: ABA, 1992).

¹⁰ American Bar Association. *Overview of Fundamental Lawyering Skills and Values*, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT - AN EDUCATION CONTINUUM [MacCrate Report] (Chicago: ABA 1992).

¹¹ MacCrate Report, Appendix B, The American Bar Foundation Study, *Learning Lawyering: Where Do Lawyers Acquire Practice Skills?*



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- Knowledge of and ability to use the most fundamental tools of legal research
- Understanding of the process of devising and implementing a coherent and effective research design

Skill 4. Factual Investigation

In order to plan, direct, and (where applicable) participate in factual investigation, a lawyer should be familiar with the skills and concepts involved in:

- Determining the need for factual investigation
- Planning a factual investigation
- Implementing the investigative strategy
- Memorializing and organizing information in an accessible form
- Deciding whether to conclude the process of fact-gathering
- Evaluating the information that has been gathered

Skill 5. Communication

In order to communicate effectively, whether orally or in writing, a lawyer should be familiar with the skills and concepts involved in:

- Assessing the perspective of the recipient of the communication
- Using effective methods of communication

Skill 6. Counseling

In order to counsel clients about decisions or course of action, a lawyer should be familiar with the skills and concepts involved in:

- Establishing a counseling relationship that respects the nature and bounds of a lawyer's role
- Gathering information relevant to the decision to be made
- Analyzing the decision to be made
- Counseling the client about the decision to be made
- Ascertaining and implementing the client's decision

Skill 7. Negotiation

In order to negotiate in either a dispute-resolution or transactional context, a lawyer should be familiar with the skills and concepts involved in:

- Preparing for negotiation
- Conducting a negotiation session
- Counseling the client about the terms obtained from the other side in the negotiation and implementing the client's decision

Skill 8. Litigation and Alternative Dispute-Resolution Procedures

In order to employ - or to advise a client about - the options of litigation and alternative dispute resolution, a lawyer should understand the potential function and consequences of these processes and should have a working knowledge of the fundamentals of:

- Litigation at the trial-court level
- Litigation at the appellate level
- Advocacy in administrative and executive forums
- Proceedings in other dispute-resolution forums



Skill 9. Organization and Management of Legal Work

In order to practice effectively, a lawyer should be familiar with the skills and concepts required for efficient management, including:

- Formulating goals and principles for effective practice management
- Developing systems and procedures to ensure that time, effort, and resources are allocated efficiently
- Developing systems and procedures to ensure that work is performed and completed at the appropriate time
- Developing systems and procedures for effectively working with other people
- Developing systems and procedures for efficiently administering a law office

Skill 10. Recognizing and Resolving Ethical Dilemmas

In order to represent a client consistently with applicable ethical standards, a lawyer should be familiar with:

- The nature and sources of ethical standards
- The means by which ethical standards are enforced
- The processes for recognizing and resolving ethical dilemmas

Learn More

In this program...	See other topics in this section.
At the Bar...	WSBA New Lawyer Education and CLE provide legal education seminars that build skills to develop your practice. See wsba.org/NLE .
On the web...	CLE, NLE, New Lawyer Education, Legal Career Development, Competency, Skills, Preadmission