

Ten Tips for the Newly Admitted

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Statistically, new lawyers can expect three legal malpractice claims during their careers. You can beat the odds by following these tips.

1. Don't start your own firm without "apprenticing" first with a more seasoned lawyer. Sorry, but that clinic you took in law school didn't make you a lawyer. Rather than flying solo, take a position with the most respected lawyer in town — even if only for six months at slave wages. Use the opportunity not only to gain substantive legal experience but to learn about file management, billing and collections, conflict of interest systems, client relations, and the other business aspects of practice.

2. Establish good working habits. Nearly 50 percent of the legal malpractice claims reported each year are caused by administrative problems and poor client relations. Missed deadlines, poor documentation, fee disputes, and unanswered telephone calls are signs of a law office that doesn't maintain strict procedures and attorneys with poor work habits.

In short, it's the little stuff that can kill you from a legal malpractice perspective. As a novice, you can either discipline yourself to do things the right way or develop bad habits that will increase your exposure to legal malpractice and impede your success.

3. Ask questions. Lots of questions. Your number one goal as a rookie lawyer is to acquire legal knowledge and skill. If you're in an environment that stifles questions, get out quickly.

4. Consider concentrating your practice. Why? First, no lawyer can know it all, which is why general practitioners have a disproportionately high incidence of legal malpractice compared to lawyers who concentrate their



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practices. Second, you'll stand out from the crowd much more quickly. Third, you'll derive a greater sense of satisfaction from your job as you develop a knowledge base with which to tackle complex issues (i.e., the cool stuff). Finally, you'll enjoy greater peace of mind, which beats that nauseating feeling you get when you don't know what you're doing.

5. Develop time management skills. Some attorneys rush from one emergency to the next all day long. They're actually no busier than others, but they've never mastered the skill of time management. Practicing legal triage will inevitably lead to claims, not to mention high anxiety.

Time management includes prioritizing projects each day, scheduling daily uninterrupted work time, and developing timelines for each case or project that identifies dates by which certain tasks should be accomplished. If you lack time management skills, take one of the many daylong courses on the subject. It could be the most productive day you have all year.

6. Start a sample form and checklist file immediately. Great lawyers have at least one thing that rookies haven't — a wonderful set of sample forms and checklists. The next time that you run across a well-drafted complaint or a superb buy/sell agreement, add it to your form file. Likewise, obtain sample checklists from the library or other firm members for each of the major types of work you perform — real estate closings, will drafting, corporate formations, or personal

injury suits, to name a few. As you identify nuances or hidden tasks, add them to your checklists.

7. Take vacations and pursue your passions. Maintain a sense of balance in life, unless you plan to become the workaholic down the hall that no one really likes on a professional or personal level.

8. Find a mentor. Wherever you practice, seek out at least one experienced lawyer. If you're lucky, you'll create relationships with several mentors, each of whom will provide a different type of advice or skill. One may help you develop your writing skills. Another may be the perfect role model for trial or negotiation skills. Yet a third may coach you through the dangerous waters of office politics. If no one at your office or firm fills the bill, look for a mentor at your favorite state, local, specialty or ethnic bar association.

9. Don't take the risk of substance abuse and depression lightly. The legal profession has a higher-than-average incidence of substance abuse and mental illness. Know the warning signs. If your method of relieving stress in college and law school involved alcohol or other stimulants or depressants, you're already on a treacherous

road. And don't ignore feelings of depression. The pressures of being a lawyer can affect even well grounded attorneys.

10. Maintain legal malpractice insurance. Make sure that you are continuously covered by a legal malpractice insurance policy while you're in private practice. As a new attorney, don't feel reluctant to ask your firm

whether or not it maintains a professional liability policy and whether it covers you. If you're practicing alone and have limited financial resources, purchase the lowest limits available. (The premium is often less expensive than car insurance.)

Finally, good luck to all of you as you start your legal careers; a little good luck never hurt anyone.