



First Year Manifesto

HOW TO
START
FAST
AS A LAW FIRM
ASSOCIATE

By Jay Harrington

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Introduction



If you're in the first couple years of your legal career, unless you've been hiding under your desk every day and no one's noticed, you've experienced some stressful situations. Maybe your default state of being is stressed — I know mine was in my early days at Skadden! First, know that you're not alone. Second, come to grips with the fact that stress is part of the bargain — you've chosen a stressful career. Third, take solace in knowing that it will get better — as long as you get better.

That's right, as you sharpen your skills and improve your judgment things will get more comfortable for you. You'll always be on edge to some extent as that's what is required in a career involving adversaries, difficult issues and challenging clients. But things will get better as you improve. And that's what this eBook is for — to help you get better so that you can flourish as a law firm associate.

This eBook includes several chapters from my upcoming, more expansive book titled *Start Fast and Finish Strong*. Within these pages you will find advice on topics such as how to start fast, be productive, deal with adversaries, be accountable and develop business.

According to a survey conducted by Access Group and Gallup in 2015, only 48 percent of law grads “strongly agreed” that they would, if given the chance, earn a law school degree. That's a shame. Hopefully you can learn something from my experience so that you can grow and prosper in the noble career path you have chosen.

Part One

FIRST PRINCIPLES



FIRST PRINCIPLES


Overcome The Impostor Syndrome

Athletes often discuss the fact that, each time they advance to the next level, the game “speeds up.” The leap from high school to college ball is a significant one. Players are bigger, faster, stronger, and the game moves at a more rapid pace. College to pro is even more drastic, as things move at a dizzying speed.

You’ve just turned pro. While there were smart, insightful people in your law school class, this is an entirely different level. And the competitive academic playing field is nothing compared to the competitive professional one you’re now participating on. At times you’ll feel like you don’t belong. But keep the faith. **You’ve been at this point of discomfort before, and you overcame it. And you can again. Just to be safe, let’s review.**

You’ll soon hear, if you haven’t heard already, that voice in your head – the one that tells you that you’re not good enough. It typically creeps in as soon as you step out of your comfort zone, and whispers warnings that you don’t belong, that you don’t deserve it, that you’re a fraud.

The voice not only cuts you down, it builds others up. It tells you that those around you are smarter, better and more talented – they have it all figured out. If you listen to the voice, you end up staying safely within your comfort zone and never move forward. Fear is paralyzing.



Psychologists Pauline Clance and Suzanne Imes call this type of fear “the impostor syndrome.” They describe it as a feeling of “phoniness in people who are not intelligent, capable or creative despite evidence of high achievement.” They “live in fear of being ‘found out’ or exposed as frauds.”

If you’ve ever stepped in front of a podium to address an audience or been promoted to a job that you’re not sure you can handle, then you’ve likely felt like an impostor. After I wrote my first book, I had to constantly push back doubts about why anyone would be interested in reading what I have to say. And this feeling of inadequacy or incompetence doesn’t just affect people in a professional setting – virtually all first time parents wonder why the hell the doctors and nurses let them take their first child home from the hospital. Self doubt can be a constant state of mind.

The most important step in overcoming the impostor syndrome is realizing that we are all impostors. No one knows what they are doing most of the time. For people who routinely step out of their comfort zones, uncertainty is a constant. As screenwriter William Goldman said, “Nobody knows anything.”

So peer down the halls of your office. Look into the eyes of your colleagues. Talk to people. Almost everyone feels like an impostor to some extent. If you can come to grips with the fact that those around you are feeling the same sense of anxiety that you are, then pushing through the fear becomes easier. Instead of succumbing to self doubt, embrace it. **Successful people “fake it ‘til they make it,” so just keeping moving forward.**

Part Two

PRODUCTIVITY



PRODUCTIVITY

Being Busy is No Substitute for Being Productive


John Wooden said, “You never want to confuse activity with accomplishment.” That’s good advice to follow, but it’s hard not to get caught up in the law firm activity hamster wheel.

Early on in your career you’ll have a tendency to focus on numbers, billable hours in particular. That’s not irrational — it’s how young associates judge themselves against one another. Make no mistake, hard work is required, early and often. But many take it too far.

“Gunners” will brag about how much they work. They’ll make sure everyone knows when they pull an all nighter. I worked with a mid-level associate who kept a futon next to his desk. An all nighter was his badge of honor. One Friday, following an all nighter, he strutted into the weekly attorney lunch with his dress shirt unbuttoned and untucked, white undershirt hanging out, hair tousled. There is no doubt the message he was trying to send to his fellow associates: “I was here kicking ass last night while the rest of you losers were sleeping away.” This stunt didn’t go quite as he expected when a senior partner promptly ordered him out of the conference room until he cleaned himself up.

The pendulum begins to swing as you move forward in your career. Quantity remains important, but there is a much greater focus on quality as you advance.

Clients are requiring more value from their firms, and so firms are requiring more value from their associates. You’ll learn that decision makers don’t really care how much time you spend at the office, or if you’re the top billing associate in your class.



Ultimately your success will be determined by how much value you provide. Can you get the job done? Did you accomplish anything? Quality, progress and solutions are what matter.

You'll also learn that a perpetual "nose to the grindstone" approach is harmful to productivity. Working all the time doesn't make you a hero. It makes you sloppy. It impairs your judgment. It makes you cranky and unpleasant to be around. It certainly doesn't make you a better lawyer.

Sure there are many outstanding attorneys who are workaholics, but many young associates err in thinking that they have to be a workaholic to be an excellent attorney.

Don't be busy. Be productive.

Part Three

ACCOUNTABILITY



ACCOUNTABILITY


Take Ownership

Your superiors don't want to manage you. They certainly don't want to hold your hand. They understand that you are just trying to get your feet underneath you, and most are willing to help (to some extent), but make no mistake: From day one, they expect you to take ownership over your projects. Producing impeccable legal work product is not enough. In fact, it's table stakes.

I can't emphasize this point strongly enough. If you learn nothing else from this book, the single most important thing you can do to get noticed as an associate, to get the plum assignments, and to accelerate your career development is to **develop a reputation as the "go to" person to get the job done.**

In most firms, matters are staffed in a similar way, with junior associates, mid to senior-level associates, and partners of varying experience making up the project team. You'll be indispensable if other attorneys can give you something and have confidence that you'll get it done right, with as little oversight as possible.

Don't pop in and ask questions without thinking through the issues – that's annoying. **Many young associates are too eager to approach superiors for help before attempting to solve the problem themselves.** If you do have questions, get them all gathered at once, ask for a meeting time, and be thoroughly organized so as not to waste the other person's time because you're scattered.



When taking on an assignment, find out deadlines, and brief back the assigning attorney on your understanding of the objectives to make sure you are on the same page. Review your notes immediately following the meeting and follow-up as necessary. Better to revisit the issue right away than to spend the next two days spinning your wheels because you're uncertain of what to do.

Taking ownership also involves not simply completing the discrete task that was assigned (although that is the first priority), but to think beyond the task and anticipate future needs as well. This requires having a bigger picture view of the case or matter that you're working on, and not wiping your hands clean once your immediate task is complete. Outstanding associates will be proactive and creative in finding additional ways to contribute value to the client and firm.

When you have a solid grasp of the big picture, you'll be in a position to not just produce outstanding work product, but also impact the strategy of a case or other matter. Your senior colleagues are juggling lots of different issues and matters, and welcome thoughtful debate with, and insights from, informed, independent thinking associates. **If you know what you're talking about, speak up. You'll distinguish yourself by doing so.**

Part Four

DEALING WITH ADVERSARIES



DEALING WITH ADVERSARIES

Most, But Not All, Lawyers Act Professionally

Most lawyers you will encounter will act professionally, but some will act like jerks. As a young associate you're likely to encounter an adversary that tries to push you around sooner rather than later. It's probably a good thing that it happened to me right away. About two weeks into my legal career I had my first encounter with a bully lawyer.

One of the first matters I worked on involved drafting a relatively routine bankruptcy motion seeking relief that would impact a company that was a counterparty to a contract with my client. After filing and serving the motion, I received a call from counsel for the counterparty. He immediately lit into me, accusing me of filing a frivolous motion, threatening sanctions and questioning my qualifications – that's the G-rated version.

Whoa. This shook me up. This guy was pretty seasoned, at least in terms of years of experience. At the end of the conversation **I was convinced I had really messed up, and that my legal career was pretty much over.**

After gathering myself, I put the incident into perspective and saw it for what it was: an attempt to gain an advantage by scaring the crap out of a newbie lawyer. After talking to one of the partners on the case, I settled down and things ended up fine. The motion was granted.

As a junior lawyer, there are a few things you can do to prepare for your first encounter with a bully.

- **Accept that it will happen – it’s inevitable.** This will at least allow you to be prepared. When you deal with a bully, maintain your composure and professionalism and don’t take the bait. If it’s a litigation-related matter, accept that the dispute at issue will more than likely need to be resolved in court, so be prepared with the facts and the law. Distinguish yourself as the clear-eyed, reasonable and composed advocate.
- **Be professional but not a pushover.** Don’t shrink from the encounter and be intimidated. It’s okay to punch back. Just like in the schoolyard, if you stand your ground, your bully-adversary may simply shrink away, realizing that his tactics won’t work on you.
- **Seek advice.** Everyone’s been through it, so talk to an experienced lawyer in your firm. You may be convinced after speaking to the bully – like I was – that you screwed something up. But odds are you didn’t. And even if you did, it’s better to deal with it right away.

Fast forward 12 months from my first incident. I’m hitting my stride – no bully lawyer was going to push me around again! That’s when it happened again. But this guy was more subtle.

I was inheriting roles from more-senior lawyers who were transitioning from the case I was working on to other matters. One of the roles involved resolving claim objections (hundreds of them), which required lots of phone conversations and correspondence with opposing counsel. One call was from a partner at a large law firm in my hometown of Detroit, who called to inquire about the “status” of his client’s claim, and our claim reconciliation process in general. Trying to be helpful and courteous to a fellow Michigander, I explained the claims process, and promised to look into his client’s claim and give him a call back.

A couple of days later I got another call from him. I remember thinking that it was odd that he called back so quickly – things were busy and I hadn't yet looked into the status of this particular claim – but I apologized for not getting back to him and promised to call him back later that day. Then I looked up the claim and learned that we had objected to it, and it had been disallowed – *two months prior*.


I called back and broke the bad news to the guy – his client's claim was disallowed and thus not entitled to a recovery in the bankruptcy. He started asking a litany of questions: Why didn't he get served with the claim objection? Why didn't I tell him this in our initial conversation? What should he do now? Is there any way to fix this?

I felt bad for the guy. I answered his questions and tried to be helpful. I explained that if he wanted, he could file a motion with the Bankruptcy Court asking for relief, but there was really nothing that I could do.

Based on our records, he had been served with a copy of the objection, but I didn't see any harm in letting him know that similarly situated creditors had sought this relief under similar circumstances. It never really occurred to me why I needed to explain this to a bankruptcy attorney with 25 years more experience than me.

Two weeks later he filed a motion seeking relief. The motion and accompanying affidavit were peppered with my name and summaries of our conversations, as well as email correspondence between us. The motion asserted he had never received a copy of the objection, and implied strongly that I had consented – at least implicitly – to the relief his client was seeking.

Big wake-up call.



I was naive and didn't see our correspondence and communication for what it really was: groundwork for him to try to wriggle out of a jam. It's tough to cry conspiracy to your superiors and your client without coming across as weak. The situation got resolved, but I learned a valuable lesson along the way. **Never let your guard down. When backed into a corner, adversaries can do desperate things.**

So what should a junior lawyer take away from this situation? Be extremely careful in your conversations and correspondence. Assume every word you speak or write will find its way into the court record. Protect your client, and yourself, at all times. Be courteous, but leave it up to your adversary to figure out the manner in which he or she should proceed. It's no fun to see your name in a pleading filed by an adverse party.

Most of the lawyers you'll deal with on the other side will be great. They'll try to gain whatever advantage they can, but will do so in an honest, courteous and respectful manner. They know that it's generally futile to act in an unprofessional manner. But there are those who will try to take advantage of you. Keep your guard up.

Part Five

BUSINESS DEVELOPMENT



BUSINESS DEVELOPMENT

Practice Intrapreneurship

You know you have to develop business to advance in your career, but how are you supposed to do that early in your career unless your dad, mom, frat brother or sorority sister happens to run a company and throws you a bone? Sure, all else being equal, you could land some business. But all else is not equal – your hourly rate is \$400 per hour! And you’re just getting comfortable playing a supporting role to other attorneys. You’re not ready to be the star just yet.

So what to do? By all means you should be spending time and energy getting your name out there in the marketplace and adopting some entrepreneurial tactics (much more to come about this in my upcoming book) in order to build a strong foundation for future business development, but at this stage in your career your focus should be on *intrapreneurship*; in other words business development activity *within* your firm.

In this context, intrapreneurship means building your reputation among your colleagues through internally-focused initiatives. It’s engaging in activities within your firm that will allow you to hone the skills and characteristics – such as strong writing and presentation skills, good judgment, and confidence – that you’ll need to compete for work in the business world. Beyond preparing you to develop business, intrapreneurship will help you to become more widely known and respected within

your firm so that, should partnership be your objective, your colleagues — many of whom may work in other offices and have no direct experience working with you — will have more to go on than metrics such as hours billed and fees generated when considering you for partner.

There are countless opportunities for intrapreneurship in every law firm.

- **Most firms have associate committees. *Get involved.***
- **Pro bono opportunities are prevalent, and pro bono success stories are widely trumpeted within most firms. *Do good.***
- **Firms publish numerous newsletters and blogs, but often lack writing and editing resources to keep up with demands for content. *Take charge.***
- **Many firms utilize outdated or inefficient processes or procedures when it comes to things like project management and internal and external communication. *Innovate.***
- **Most associates hunker down in their offices, waiting for opportunities to find them. *Seek them out.***

You may not be seasoned enough to be of value to a Fortune 500 company at this point in your career, but there are plenty of opportunities to be an intrapreneur and add value within your firm.

About the Author

Jay Harrington is a graduate of the University of Michigan Law School. He practiced law at Skadden Arps and Foley & Lardner before co-founding a boutique firm focused on corporate bankruptcy and commercial litigation matters.



Today he runs Harrington, a brand strategy and content marketing agency that helps lawyers and law firms raise their profiles and develop more – and better – business. He writes for his agency's blog, www.simplystatedblog.com, as well as other websites such as www.attorneyatwork.com, on issues related to attorney marketing and business development. He is also the author of a book, *One of a Kind: A Proven Path to a Profitable Practice*, published by Attorney at Work.

ABOUT HARRINGTON

By bringing clarity to complexity, Harrington helps firms build brands that draw notice, enhance relationships and create loyalty. Services include:

- **Brand Strategy + Design**
- **Content Marketing**
- **Website Design + Development**
- **Coaching for Associate Attorneys**

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