

WORKING CLASS

What
Seasoned
Attorneys
Will
Never
Tell You

BY HON. ANN A. SCOTT TIMMER

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The article stems entirely from the views of the author. Much of this article was originally written to supplement a panel discussion moderated by the author at the Minority Bar Convention some years back. Judge Timmer prepared the original material in her capacity as a member of the Maricopa County Bar Association's Task Force on the Hiring and Retention of Women and Minority Lawyers.



You have your law degree, the bar results are in, and a paycheck is on the horizon. You're primed for success.

Or are you? Although law schools teach students about the law, they offer precious little about what goes on in law offices. Consequently, many new lawyers' careers are derailed before they can even hang their diplomas.



This article highlights law office traps for the unwary and provides strategies for avoiding unintentional ensnarement.

The purpose of this article is *not* to advocate for adoption of a particular manner of practice or

to encourage young attorneys to sacrifice their quality of life in exchange for a chance at career enhancement. Rather, it is meant to encourage thought about whether your actions are furthering or hindering your career aspirations.

The Traps

Perceptions—What Are Your Actions Communicating?

Law offices want reliable, hard workers. Are you giving that impression?

A. Yes, I Am!

- ☛ I make weekend and evening appearances when supervisors are about.
- ☛ I send e-mails and/or leave voice mail messages outside usual working hours.
- ☛ I carry files home to work on some nights.
- ☛ I answer my telephone after 5 p.m. rather than let voice mail pick up.
- ☛ I am often seen eating lunch at my desk.
- ☛ My office is organized but looks “worked in.”
- ☛ When I leave the office at 3 p.m. for a client meeting/bar committee meeting but don’t plan to return to the office that day, I instruct my secretary/receptionist to refrain from telling others that I’m “gone for the day.” Instead, I tell him or her to say where I am and that I can be reached by cell phone/pager if necessary.
- ☛ When I am away from the office for a day or more for vacation or work-related travel, I change my outgoing voice mail message to inform callers that I am out of the office and direct them to someone who can help. I also activate the e-mail tool that sends an automatic message informing others that I am out of the office.

A. I Could Do Better.

- ☛ I’m seen chit-chatting quite a bit in the hallways.
- ☛ I’m always out the door by 5 p.m.
- ☛ I frequently make and receive personal calls.
- ☛ My desk is always cleared by the end of the day, and I never keep files in my office.
- ☛ When I stroll into the office with my peers or supervisors, I’m usually not carrying anything but a smile.
- ☛ I’m always talking about my busy social life (which of course leaves little time for work!).
- ☛ I tell my friends and family to feel free to call me anytime at work to chat.

Are you dressed for success?

A. Yes, I Am!

- ☛ I dress conservatively at all times.
- ☛ If I have to wonder whether an outfit is appropriate, I avoid wearing it.
- ☛ I know that “casual day” doesn’t mean that I wear the clothes I don’t paint the house.
- ☛ I wouldn’t be caught dead in the office during working hours wearing a T-shirt and jeans.
- ☛ I have checked my office’s dress policy by either reading a formal manual or just asking around.
- ☛ I keep a spare jacket (and tie if I’m a man) in my office at all times in case I’m called to court or a client meeting.
- ☛ If I’m a woman I always wear pantyhose with my dresses/skirts and always keep a spare pair in my office.
- ☛ I know that how I choose to look reflects on my judgment.

CAREER-ENHANCING MOVE

Tom happens to be in the office in the evening and the office telephone rings. He picks it up and it’s a client from another time zone calling Susan, a partner. Tom determines that the matter is not an emergency and takes a message. He then writes out the message, reflecting the time and nature of the call and that he took it, and leaves it on Susan’s chair. The next morning, Tom sticks his head in Susan’s office just to ensure that the message was received and perhaps elaborate on the call. Susan is impressed with Tom’s conscientiousness.

CAREER-LIMITING MOVE

Steve is a skilled assistant prosecutor and is blessed with a great family life. In his delirium, he makes sure that everyone in the office knows how much quality time he spends with his wife and kids at night and on weekends and that he wouldn’t sacrifice that time for anything. Steve’s supervisor is handling a high-profile murder case and is looking for someone to second-chair the case. Whoever is chosen will get great experience and exposure. Steve is passed over for the assignment because work on the case will likely involve some nights and weekends and his supervisor doesn’t want to feel guilty for asking him to sacrifice “family time” for the case.

Are you dressed for success?

A. I Could Do Better.

- ☛ I frequently walk around the office with my shoes off because it's comfortable and I can get more work done.
- ☛ I believe that I should be at the cutting edge of fashion at all times and dress accordingly.
- ☛ I believe that casual day entitles me to wear whatever I choose.
- ☛ If I'm a woman, I wear my skirts as short as possible because—hey—I've got great legs!
- ☛ If I'm a man, I don't shave on Fridays to get that cool "Miami Vice" look.
- ☛ I wear blue jeans.
- ☛ I wear shorts.
- ☛ I wear tennis shoes.
- ☛ I dress conservatively at my office, but in professional social settings all bets are off.

Are you a team player?

A. Yes, I Am!

- ☛ I volunteer cheerfully for unpleasant or boring assignments.
- ☛ I help my peers.
- ☛ I don't complain (much).
- ☛ I learn how to use the office machinery.
- ☛ Occasionally, just for the heck of it, I bring in doughnuts for the office.
- ☛ I always pass on good comments I've heard about my colleagues.
- ☛ In a pinch, I can copy and fax.
- ☛ I've been known to walk around with my firm-embossed coffee mug (don't laugh—the big bosses like to know you're proud of your employer).
- ☛ I'll give it a shot and play on the office softball team or, at the very least, I'll come watch one or two games and cheer my colleagues on.
- ☛ I don't engage in malicious gossip because I learned my lesson in junior high school: It always comes back on you and sticks like glue.

A. I Could Do Better.

- ☛ I view my peers as rivals and act accordingly.
- ☛ I will only take on a difficult task if I'm sure I will be noticed and given credit.
- ☛ I wouldn't dream of doing "secretarial" work.
- ☛ You won't catch me at optional firm functions; my off time is my time alone.
- ☛ When I draft articles or speak to groups I never identify my employer; why should I give them credit?
- ☛ I never send congratulatory notes/e-mails to my colleagues, and I never acknowledge their accomplishments.
- ☛ Sometimes, when I'm angry about some perceived slight, I make the mistake of e-mailing to my buddy in the office evil thoughts that I would never want repeated.
- ☛ I never miss an opportunity to complain about being overworked because I want to ensure that everyone knows that I'm being inconvenienced for the sake of the office.

CAREER-LIMITING MOVE

Sheila is a promising young attorney employed by a prestigious, old-line law firm. She attends the local bar association's annual charity ball. Bill, a partner in the same firm, also attends the event. While talking with a group and sipping his Scotch, Bill overhears others whispering and pointing at the dance floor. When Bill turns to investigate, he is horrified to spot Sheila boogieing while attired in a dress that leaves nothing to the imagination and is better suited to an MTV video. Sheila's dress is the talk of the ball and everyone wants to know what firm employs her. Bill is embarrassed for the firm. By late Monday morning, every partner in the firm knows of Sheila's poor judgment.

CAREER-ENHANCING MOVE

Carol, a new assistant public defender, second-chaired a lengthy trial with lead attorney Diane. The case was a difficult one to defend, but Diane did an excellent job, and the jury returned a defense verdict. In chambers, the judge complimented all counsel but singled out Diane for special praise. Upon Carol's return to the office, she sent an office-wide e-mail reporting the verdict and repeating the judge's words of praise for Diane. Diane is deluged with congratulatory messages from her underlings, peers and superiors. She is naturally thrilled and is grateful to Carol. During her next case, a high-profile one, she taps Carol to assist her.

CAREER-LIMITING MOVE

Jean and Ned are associates in a law firm working late one evening on a real estate closing with a partner. The partner needs copies of a contract and, because his secretary has gone home, he asks Jean to make the copies. Jean believes that the partner asked her to make the copies rather than Ned because she is a woman. She assumes a facial expression that would be appropriate if she had been asked to lick the bathroom floor and responds that she has never learned how to use the copy machine. The partner doesn't miss Jean's meaning. Ned quietly takes the contract and makes the copies. The partner doesn't find a need for Jean's services during his next closing.

Would you
want to
work with
you?

A. Yes, I Would!

- ☛ I never tell offensive jokes.
- ☛ I don’t swear.
- ☛ I’m usually cheerful in the face of difficult work and can keep a good sense of humor.
- ☛ I say “thank-you” to people who help me out.
- ☛ I publicly acknowledge the efforts of those who help me look good.
- ☛ I show some enthusiasm for working where I do.
- ☛ When I run across articles or cases that might be of interest to others in the office I pass them along.
- ☛ When I go to the gym or take a run during my lunch hour, I shower before returning to work or at least use some of those nifty between-shower wipes.
- ☛ I brush my teeth after lunch or keep a supply of breath mints on hand.
- ☛ I never, NEVER, take a non-emergency telephone call while I am talking or meeting with someone in my office.
- ☛ I never, NEVER, carry my cell phone with me around the office.
- ☛ I show interest in other people’s work and lives.
- ☛ I’m a good listener.

A. Not Really.

- ☛ I know where my bread is buttered so I only bother passing the time of day with supervisors/partners.
- ☛ I’m shy by nature so I avoid getting to know my peers and supervisors on a personal level.
- ☛ I’m too busy to accept invitations to go out to lunch, coffee or happy hour.
- ☛ I’m happy to go out to lunch with anyone who asks, but I don’t feel comfortable initiating such contact.
- ☛ I always assume that if I go out to lunch with a partner, she’s paying.
- ☛ I make fun of a tacky painting in the office lobby, not realizing that the managing partner’s wife painted it.
- ☛ I never send thank-you notes.

CAREER-ENHANCING MOVE

Vivian knows that she has a terrible memory for names and details. She has been embarrassed on more than one occasion for forgetting the name of a co-worker’s beloved wife or child. To overcome this weakness, when she learns a significant detail about someone (e.g., interest in archeology, daughter just accepted to law school), she notes it on a personal document she keeps on her computer. When she knows she will be seeing that person at lunch or at a social function, she reviews the document to remind herself of these details so that she can ask about them. That person is complimented that Vivian remembered details important to that person.

CAREER-LIMITING MOVE

Angela is a pleasant and hard-working young associate at a medium-sized firm. Janet, a partner, wants to get to know Angela better so she asks her to lunch on a few occasions. Each time the bill comes, Angela makes no move to pitch in, always assuming that Janet, who, after all, makes more money, will pay the tab. Janet doesn’t mind doing so once in awhile, but resents Angela’s presumption that Janet will always pay. Also, Janet herself is putting two kids through school and therefore tries to cut down on expensive lunches. Consequently, Janet limits the number of occasions that she asks Angela to accompany her to lunch.

Do you
handle
social
functions
well?

A. Yes, I Do!

- ☛ I remember that this is a party but still a “work function.”
- ☛ I never overindulge in alcohol.
- ☛ I don’t know a lot of people in my office well, so those are the people I plan to speak with during the evening. I know I can hang with my buddies anytime.
- ☛ I avoid shop talk; hey, it’s a party!
- ☛ I prepare myself in advance for a party. If I don’t know the dress code, I ask someone before the event. I also decide how long I will stay and ensure that I don’t leave too early (e.g., miss a formal award presentation) or too late (don’t be the dinner guest who wouldn’t leave the partner’s home).
- ☛ I think of conversation starters before the event. Good ones are current news events, hobbies and the arts. I generally stay away from talking about politics and religion because I don’t know the sensibilities of my companions.
- ☛ When I’m talking to a co-worker or a supervisor/boss, I don’t ignore the spouse/date.
- ☛ I’m a good listener.
- ☛ I’m a good sport about attending an event that’s just not my bag.

Do you handle social functions well?

A. I Could Do Better.

- ☛ I approach a firm party like it’s the Bataan Death March—and anyone can see it written all over my face.
- ☛ I drink a bit too much because it settles my nerves and loosens my tongue.
- ☛ I take this opportunity to ask the managing partner how I’m doing at the firm.
- ☛ I target every mover and shaker in the room and make a beeline to each one—and everyone in the room (including the movers and shakers) knows it.
- ☛ I want to make an impression so I dominate conversations.
- ☛ I ignore spouses and dates.
- ☛ I criticize the dinner selection, decor, band, etc., not realizing that the organizer of the event is standing at my side.
- ☛ I think parties are a great time to catch up on office gossip.
- ☛ I discuss private aspects of my life that might better be left alone.

Handling Staff—Learning To Be a Boss

Do you know the importance of a legal secretary?

A. Yes, I Do!

- ☛ I know that secretaries likely have the ear of a partner who can affect my future.
- ☛ I know that good secretaries are often more difficult to find than good young attorneys—and supervisors know it. Consequently, I avoid “It’s her or me” situations.
- ☛ I know that my secretary probably knows more that’s going on around the office than most attorneys, so I frequently ask for her insight.
- ☛ I know that my secretary can be my biggest ally.

A. I Am A Bit Clueless.

- ☛ Aren’t secretaries like widgets—interchangeable?
- ☛ I don’t realize that my secretary doesn’t automatically have my best interests at heart just because she works for me.
- ☛ I forget that my secretary can be my best source of information regarding the culture of my office.

Do you interact appropriately with staff?

A. Yes, I Do!

- ☛ I understand that staff don’t just do my work, so I check with them about their workload and their ability to timely do my work.
- ☛ I never yell or insult a staff person.
- ☛ I treat all staff persons with respect.
- ☛ I check my arrogance at the door before I enter the office.
- ☛ I generally refrain from blaming a staff person for a mistake—even if it’s true.
- ☛ I remember to regularly ask the staff people who work for me how things are going and if they are having any problems.
- ☛ I treat the staff persons who work for me as valuable members of my team and I tell them so.
- ☛ I know that law firms are paranoid about sexual and racial harassment, and so I am very careful that my behavior with staff (and my colleagues) is not misconstrued as harassment or creating a “hostile work environment.”

CAREER-ENHANCING MOVE

Juan’s firm is sponsoring a bowl-a-thon to benefit a children’s charity. Steven, an avid bowler, is the partner in charge of the event. Juan has never bowled a game in his life and is concerned about looking foolish. He considers skipping the event (it’s not mandatory) but decides to give it a try. He goes to Steven and says that he wants to participate because it’s a good cause and bowling looks like fun, but he admits that he is nervous about looking like an idiot. He therefore asks Steven for some tips. Steven is only too glad to help and offers some pointers on the game. Juan also visits the local bowling alley over the weekend to check out the atmosphere and try a few games. He mentions this to Steven. Steven is gratified that Juan is willing to put himself out and therefore includes him on his team.

CAREER-LIMITING MOVE

Kendra, a single young assistant prosecutor, has a pleasant chat at a cocktail party with her supervisor’s wife, Jean. The conversation is going well until it turns to the dating scene. Because Jean has been out of that scene for quite some time, she is curious about it. Kendra obliges and regales Jean with Kendra’s sexual exploits and conquests that could appropriately be seen weekly on *Sex in the City*. Jean is wide-eyed, and later passes on to her husband the details confided by Kendra. After learning of Kendra’s private life, Kendra’s supervisor, a bit of an old-fashioned fellow, has trouble viewing Kendra without the word “slut” coming to mind.

Do you interact appropriately with staff?

A. I Could Do Better.

- ☛ I dictate while eating my lunch in order to save time.
- ☛ I give my secretary false deadlines to ensure that my work will be done on time.
- ☛ I ask my secretary to work overtime without giving a thought to the cost and if I have the authority to do it.
- ☛ I time my secretary's coffee and lunch breaks to the minute and let him know if he's five minutes late.
- ☛ I fail to compliment a staff person for a good job.
- ☛ I fail to give constructive feedback to staff persons, preferring to quietly steam and then vent during their annual reviews.
- ☛ I know my secretary would enjoy a good blue joke just like anyone would.
- ☛ I have staff persons call me "Mr." or "Ms."
- ☛ I have staff persons do personal errands for me.

CAREER-ENHANCING MOVE

Maria, a young attorney, shares her secretary, June, with Sarah, a partner. On a busy day, Maria hands a dictation tape to June and says that it needs to be done by the end of the day. June says "OK." But as Maria turns to head back to her office, she notices that June seems upset. Maria asks June to come in her office for a moment. When she does so, Maria asks if anything is wrong and discovers that June also has a great deal of work to do that day for Sarah, and is concerned that she can't complete her work for the day. Maria then informs Sarah of the problem and the three of them prioritize the work. When it becomes apparent that June cannot, indeed, complete needed work that day, Maria asks around to get help for June. June is appreciative that Maria showed concern for June's workload. Sarah is impressed that Maria spotted the problem and avoided an end-of-the day scramble.

CAREER-LIMITING MOVE

Jamal, a young, hotshot associate, frantically informs his secretary, Linda, that he needs her to work over the weekend. Linda has plans with her family and therefore asks if it's really necessary. Jamal responds "yes" and Linda agrees to be at the office by 8:00 on Saturday morning. Linda cancels her plans and arrives promptly at the office. Jamal saunters in around 11:30. The urgent work consists of typing up Jamal's time sheets for the last few weeks, which must be turned in on the following Monday. Linda does the work but is furious. She has no loyalty to Jamal and therefore relates the whole escapade to her other boss—a partner. The partner is not pleased, particularly when he sees Linda's overtime slip.

CAREER-ENHANCING MOVE

Chris is a new attorney in a large law firm. He is asked to turn in his time weekly to the accounting department and is given a form for doing so. Although Chris has a vague notion of how to bill time, he realizes that he's no expert. He therefore asks a more senior attorney who is a rising star for advice and is told about the time-keeping computer program that the accounting department uses and that attorneys can directly input time if they so desire. Chris tries the program and realizes that he can enter his time as he goes along without the biweekly drudgery of filling out time sheets. Because Chris can type faster than he can write, he also finds that he crafts more extensive time entries in the computer program than he would have if he had written down his time.

Do you maximize your use of staff?

A. Yes, I Do!

- ☛ I ask my secretary for her input on my legal work to ensure that it reads clearly and to spot any errors.
- ☛ I ask my secretary for his observations about what the most successful midrange attorneys have done to become "rising stars" at the office.
- ☛ I tell my secretary that I want to work sometime for a particular supervisor and ask her to keep an ear to the ground and tell me of any opportunities.
- ☛ I ask my secretary for her advice about the office culture and the best way that I can fit in.
- ☛ I give my secretary carte blanche to tell me when I'm doing something stupid.

A. I Could Do Better.

- ☛ I have no clue about my secretary's hobbies or background because I never ask. Consequently, I don't know that she plays in a bridge club with the wife of a senior partner.
- ☛ I never confess to my secretary that I'm unsure about what I'm doing (e.g., the proper way to record time on time sheets) so she doesn't think to give me the killer form she has on disk.
- ☛ I am often lax about giving precise instructions to staff persons, and then I wonder what went wrong when I see their work product.

Do you
have a
business
sense?

A. Yes, I Do!

- ☛ I ask for and obtain an understanding of how many hours I should devote to a project.
- ☛ I know that the firm must timely bill its time to collect fees, so I regularly turn in my time sheets.
- ☛ I keep track of my time as I go along in order to avoid “losing” time and so that my descriptions are more detailed.
- ☛ I learn the ropes of business generation early on and start planting the seeds for it (e.g., joining community groups) while I’m still learning how to be a lawyer.
- ☛ I know before I spend firm money on Westlaw, Lexis or huge copying jobs that the client will pay for it.
- ☛ I never travel first-class for business, and I don’t splurge on the client’s nickel.
- ☛ I have a clear understanding in my firm about what is billable and what is not.
- ☛ I have looked at a client bill to discern how my colleagues bill time.
- ☛ I never write off time. If I believe that I have taken too much time on a project, I alert the billing attorney by sending a memo explaining why I took as much time as I did on the project (e.g., explored an avenue that proved unsuccessful) and let that attorney write off time as necessary.
- ☛ I have learned my office’s “true view” about non-billable times.
- ☛ If I am a government attorney, I know that my superiors expect me to efficiently handle my cases and be on time to court.

A. I Could Do Better.

- ☛ My time entries are short and sweet.
- ☛ I regularly send documents via Federal Express without a thought to the client’s expense and whether next-day delivery is necessary.
- ☛ If I research an issue that benefits two clients, I double bill for the project without checking the ethical rules or my firm’s policy on the issue.
- ☛ Someone from the accounting department is always prodding me to turn in my time sheets.
- ☛ I fill out all my time sheets at the end of the month, and I usually have a difficult time remembering what I have done with my time.
- ☛ I’ll start thinking about business generation after I’ve hit my five-year anniversary.

CAREER-LIMITING MOVE

Jim detests keeping track of his time and then writing out time sheets. As a consequence, he scrambles at the end of each month to reconstruct his time. He recalls that he spent 25 hours researching and drafting a motion for summary judgment, even though he cannot precisely recall how he spent those hours. Accordingly, he describes his time as “legal research for and drafting motion for summary judgment.” The billing attorney sees the entry and hits the roof. He says that he can’t justify the time to the client without more of a description and that if the motion is successful, no judge will reimburse fees based on this time entry. He asks Jim to redraft the entry to give more detail. Unfortunately, Jim can’t do much better, and the time must be adjusted.

Can you
adequately
control
your
workload?

A. Yes, I Can!

- ☛ I keep a running list of projects I’m working on and include their due dates. I consult this list daily to ensure I’m on track and can accurately assess whether I can take on other tasks when asked.
- ☛ Although I’m not asked to do so, I provide my supervisor with a status memo each week so that she knows my caseload and impending deadlines at a glance.
- ☛ I am learning to feel comfortable with the fact that I have to work on more than one project at a time.
- ☛ I ask for explicit instructions about an assigned project, including expected deadlines for completion.
- ☛ If I have a complex project, I check back with the assigning attorney after a bit and tell him what I have done so far and where I’m going. If he has a different approach he’ll tell me so, and I have avoided looking like an incompetent person by simply asking him how to approach the project.
- ☛ I never ignore a deadline.
- ☛ I ask my colleagues about the best way to turn down work from particular attorneys when I’m snowed under.
- ☛ I know that turning down work isn’t the kiss of death if done the right way.

Can you adequately control your workload?

A. I Could Do Better.

- ✦ I never turn down a project, I allow myself to get overloaded, and then can't understand why a supervisor is angry that I missed my deadline.
- ✦ I have not learned to delegate responsibility to staff members (i.e., is your time really best spent standing at the copy machine copying numerous cases in the library?).
- ✦ I use my firm's docketing system only for the true "drop dead" court deadlines and meetings. I fail to understand that I can also put impending deadline reminders on the system.
- ✦ I don't keep my own calendar. I rely entirely on my secretary for that function rather than having both of us keep a calendar of deadlines.
- ✦ I never ask for help until it's too late.
- ✦ If a senior partner "bumps" projects I'm doing for other attorneys, I sometimes forget to tell those other attorneys of my situation.
- ✦ If I'm light on work, I take that opportunity to sit back and relax rather than seeking out new projects.

CAREER-ENHANCING MOVE

Sylvia does good work and everyone knows it. Consequently, she is inundated with work. José, a partner, asks her to help him with a motion for summary judgment on one of his cases. Sylvia knows that she can't really help out for the next two weeks but doesn't want to simply tell José "no" because she would like the opportunity to do future work. Consequently, she responds that she would love to help out and then explains that she is concerned about making his deadline in light of her pending projects for other lawyers. José realizes that Sylvia won't be able to meet his deadline, but he appreciates her responsible approach and states that he will ask for her help another time. Sylvia expresses her enthusiasm for working with José another time.

Strategies for Success

Learning the Culture—Can You Ever Fit In Here?

Can you learn anything by simple observation?

A. Yes, I Can!

- ☛ Before my start date I called an attorney who had interviewed me and with whom I had established a rapport and asked if he would be willing to meet me for lunch and tell me what he wished he had known about the office when he had started.
- ☛ I listen to the office gossip (but never repeat it).
- ☛ I listen for euphemisms, for example, "We work hard and play hard" means I should expect to be billing mega amounts of time.
- ☛ I listen to firm "myths"; for example, if a senior partner admiringly tells you of the woman attorney who returned to work three days after giving birth, what does that tell you?
- ☛ I pay attention to what the office rewards and what the office frowns upon.
- ☛ I find out who are considered the "rising stars" in the firm and then pay attention to their work habits and styles.
- ☛ I ask people I trust outside the office about its reputation in the legal community.
- ☛ I learn the firm history—who are/were the founding partners, what significant cases or events has it been involved with?

Can I do anything to maximize the learning process?

A. Yes, I Can!

- ☛ I can volunteer to serve on at least one office committee.
- ☛ I can find one or more mentors both inside and outside the office.
- ☛ I can serve as a mentor for someone even more green than me.