New Lawyer Survival Guide
The transition from law school to the workplace is a big change for most new lawyers. A new (albeit constantly changing) environment with new people in a new career with new expectations can be overwhelming at times. This New Lawyer Survival Guide will provide you with some tips from attorneys that have gone through the changes you will be going through. Although this Guide is not a substitute for your firm’s or organization’s policy and procedure manual, we hope that the tips in this Guide will be helpful to you in adjusting to the beginning of a successful career in the law.
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Organization

A small investment of time in adopting and maintaining some common sense organizational techniques can offer considerable benefits to your practice. Good organization improves efficiency, reduces the risks of missed deadlines, improves communications, permits others to readily find and review your files, and enhances the view others have of your performance. Observing the organizational practices of other attorneys in your firm can be a useful starting point. Identifying which practices work best for you may take some experimentation. Ultimately, good organizational skills become a habit requiring less effort on your part. Organizational practices to consider include:

- **Familiarize yourself with your firm’s filing, docketing and billing systems as soon as possible;**
- **Maintain your own “to do” list(s) and a separate docket to back up the firm’s docketing system and to allow you to customize the docket to include reminders or matters which might not otherwise be included in the firm docketing system;**
- **Create files for new matters as soon as possible** after beginning work on a matter to keep control of the paperwork associated with each matter;
- **Resolve to clean off your desk as frequently as possible;** preferable at the end of each day and at least weekly;
- **Complete your time sheets daily;**
- **Review your mail promptly;** immediately docket matters for response; attempt to respond or take action on as many matters as possible the same day;
- **Return phone calls promptly** and develop a system for documenting important phone calls and promptly associating the phone notes with the appropriate file;
- **Maintain an updated directory of client and other frequently called phone numbers;**
- **Conduct regular housekeeping of your computer files,** deleting unnecessary documents and saving form documents in a well-organized topical directory system; and
- **If you are organizationally challenged,** find a secretary who can help you get organized.

Strong organizational skills will not only make you more efficient, but will also help you to better monitor your practice, which will allow you to avoid the stress of not knowing what you should be doing next or wondering if you have forgotten a deadline.
Professional Support Staff

Always remember that it takes much more than just a group of lawyers to make a law firm or organization productive and successful. While attorneys are out front offering their legal expertise, it takes a team of highly trained professionals, consisting of paralegals, secretaries, librarians and document clerks, to turn legal theories into winning results for a client. No one person can do the job of the entire team; thus, it is important that as a new attorney, you are able to work with others as a team. The first rule in life as well as in teamwork is The Golden Rule, that is, “Do unto others as you would have them do unto you.”

The Golden Rule can be your key to achieving the team goal, which is to serve your client. As an attorney, which often makes you a supervisor, your individual actions will set the tone for the office. You can create a pleasant environment by treating others with respect and showing concern for them professionally and personally. Even minor acts of kindness can have a good result. For example, take the time to say “good morning” to your co-workers. If you feel it is appropriate, you might inquire about the child of a co-worker who may be involved in sports or some other activity. While it may sound old-fashioned, a simple “please” and “thank you” still go a long way.

Another way to foster a team environment is to recognize a job well-done. When a co-worker has done a good job, gone beyond the call of duty or demonstrated a significant amount of effort, take the time to acknowledge their important contributions. This should not be limited to only cases that you win. People are more likely to go that extra mile for you, which ultimately benefits the client, if they feel that their contributions are actually important to the good of the overall team. It is your responsibility to let them know that is the case.

Finally, as a new associate, support staff with a number of years of experience will often know more than you do about a particular area of law. Thus, not only is it important to be respectful from a teamwork standpoint, but those people might be more willing to teach you something if you treat them with respect.

These suggestions, while simple, are often easily forgotten during a busy work day. Establishing a good relationship with co-workers makes completing assignments on time and in a professional manner a less daunting task and, in the end, will better serve your clients.
Court Personnel

Court personnel are an invaluable resource to lawyers young and old. You will find local practices and local rules can be crucial to your case and that oftentimes court personnel can be quite helpful in obtaining the information. Thus, it is very important to treat court personnel with respect.

There are many examples of variations in local practice and local rules. An example of a difference in local practice is attorney access to the judge. In some counties, the judge would expect you to go to chambers to introduce yourself prior to a hearing. In other counties, the same request would be inappropriate. The circuit clerk’s office and/or judge’s office of the county where you are going will know the answer to this question. In addition to the above, court personnel can help you with setting times for hearings, a judge’s preferences with regard to certain types of orders, and even things as simple as letting you know whether there is a printed docket sheet for court on a particular day and how the judge will take up matters (i.e., whether the judge will take up matters in order, or if those cases with attorneys will go first, or if the amount of time a matter will take is a determining factor, etc.)

As you can see, court personnel can be quite helpful in a wide variety of ways. If you treat court personnel with respect, you are more likely to get the help that you need.
Dealing with Clients

As a new lawyer, you will be anxious and apprehensive about dealing with clients. After working at it for years developing your skills, you will find that you will continue to be anxious and apprehensive about dealing with clients. The delicate balance between properly advising clients and at the same time winning their confidence in your abilities is a struggle you will deal with through your legal career. Nothing in this Guide will give you the immediate ability to deal with clients effectively. Only time and experience can hone those skills. However, there are certain tips that will make the process much easier.

A. Conflicts of Interest

Conflicts of interest are prohibited by the Missouri Rules of Professional Conduct and are a prime source of ethics complaints and malpractice claims against lawyers. As firms and their client bases grow, the monitoring of potential conflicts becomes increasingly important. Adding to the problems are mergers and dissolutions of law firms, migration of lawyers from one firm to another, law firms with multiple offices, and mergers and acquisitions of corporate clients.

While conflict issues can sometimes be complicated and depend upon particular facts and circumstances of the matters involved, examples of common conflicts of interest include the following:

- Representing parties with conflicting interests or with interests that could be potentially conflicting, such as representing both the husband and wife in a divorce, representing both the driver and passenger in a car in a negligence action, representing both a landlord and tenant in negotiating a lease, or representing two or more parties attempting to collect monies from a single source;
- Representing clients whose interests are adverse to those of present or former clients;
- Engaging in business with clients or having a financial interest in a client matter;
- Creating a legal document, such as a will, in which a lawyer is entitled to a beneficial interest.

Ramifications of not detecting conflicts of interest can be severe. They may include having the firm disqualified from representing a client and forfeiting time and fees invested in the case. Firms and individual lawyers may also be subject to malpractice claims and disciplinary actions.

If you are originating a file, you should advise a potential client that you must do a conflict check prior to accepting the engagement, and limit your conversations with the client to matters that could not be construed as confidential. While conflict procedures vary from law firm to law firm, it is important that the following information be included in the conflict-clearing process: the names of all the parties involved in the transaction or controversy, including all related parties, all corporate affiliates, directors and controlling shareholders, and all partners and partnerships, and the type of representation to be undertaken. This procedure should be repeated for all matters involving each client, even for existing clients of the firm.

It is important that you familiarize yourself with your firm’s policies and procedures for responding to conflicts information. Some firms require each conflict sheet to be returned to the originator, and others require that it be returned only when there is an indication of a conflict. If you see a matter in a conflict memorandum that appears to be a conflict, notify the originator of the information immediately in the manner the firm prefers (in person, in writing, or by telephone/voice mail).
As noted above, conflicts can be complicated and very fact-specific. Conflicts of interest can be matters of subjective interpretation. Within a law firm, attorneys may differ as to whether or not a conflict actually exists based upon their relationship with the clients involved. In some instances, a client may agree to waive the conflict. All conflict waivers must involve informed consent and must be confirmed in writing. On the other hand, some clients may refuse to waive a conflict in any circumstance.

If you are not sure whether a matter is actually a conflict, please refer to the Ethics section of this guide for resources on resolving ethics questions.

B. Engagement Letters / Declination Letters

Engagement letters help prevent disputes between lawyers and clients by informing all the parties, in writing at the outset of the attorney-client relationship, about fees and expenses the client is expected to pay. Engagement letters also help establish, for conflict purposes, the clients and matters for which your firm is undertaking legal representation. Many malpractice carriers strongly encourage their insureds to send engagement letters in every matter. In two types of situations, you must have a written fee agreement signed by the client: contingent fee contracts (Rule 4-1.5(c)) and limited scope representation (Rule 4-1.2).

You should determine your firm’s policy regarding the use of engagement letters and obtain copies of acceptable forms. If you are drafting an engagement letter, you should include the following elements:

- A statement identifying the client;
- A statement that the firm has undertaken to represent the client for the particular matter outlined;
- A statement that the firm expects full disclosure of all relevant facts and developments regarding the matter and full cooperation of the client;
- A statement that the firm is not making promises or guarantees regarding the outcome of the representation;
- The method of payment for representation, including contingency fees, hourly rates, expenses and retainers. Rule 4-1.5(c) of the Missouri Rules of Professional Conduct provides that a contingent fee agreement must be in writing, signed by the client, and must state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial, or appeal, and whether expenses are to be deducted before or after the contingent fee is calculated;
- A statement regarding who will be working on the matter. In many instances, clients assume or expect that their contact at the firm will be the only person working on the file. Frequently, other attorneys will be assigned tasks from time to time, or another attorney may handle the matter entirely. It needs to be made clear in the engagement letter that lawyers other than the individual sending the letter may work on the matter;
- A statement regarding circumstances that might prompt an increase in fees or hourly rates;
- Frequency of billing and payment terms;
- Circumstances that will allow the firm to terminate the representation;
- A statement concerning the client’s ability to terminate the services of the firm; and
- Instructions to the client to return a copy of the letter to the firm after signing it.
In instances where the firm represents a client on multiple similar matters, a new engagement letter may not be necessary for each new matter. A shorter letter referencing a prior letter setting forth the understanding between the firm and the client may be sent. However, this will depend largely upon the specific relationship between the firm and that specific client, and the nature of the matters involved.

Letters declining representation of a client or a particular matter are also important. A declination letter should be sent each time your firm decides not to undertake representation or each time a potential client elects not to hire your firm. Such a letter will clarify questions about conflicts of interest, as well as prevent misunderstandings and exposure to malpractice liability. (An example of such liability is the situation in which a potential client confers with the firm about a particular matter, but never pursues the matter, and then allows the statute of limitations to run.) Your firm may have form declination letters. Such letters generally should include the following elements:

- A statement that, based upon discussions with the client, the firm and the client have agreed that the firm will not represent the client in the particular matter;
- A statement of the matters for which the firm does represent the client, or a statement that the firm does not represent the client for any matters, whichever is applicable;
- A disclaimer of the firm’s duty to monitor changes in the law or the client’s circumstances that might affect the client’s case;
- A statement encouraging the client to engage another lawyer, if the client wishes to pursue the matter;
- Notification (properly qualified) of any known deadlines or the expiration of any statute of limitations; and
- Instructions to return a copy of the letter to the firm after signing it.

C. Handling Clients

Clients vary in degrees of sophistication and in levels of expectation. While the matter you are handling for a particular client may or may not be the most significant matter on which you are working, it probably is the most significant matter to that particular client. Clients are consumers and appreciate honest and attentive treatment. Treat them well and they will be inclined to stay; treat them poorly, and they will look for reasons to leave, sometimes regardless of the results that you obtain. In addition, one of the best ways to develop new clients is by treating your existing clients well. Satisfied clients are more likely to suggest your name to a colleague with a similar problem.

Here are some proven tips for developing your client relation skills:

- Respect client confidentiality. Professional and ethical responsibilities aside, clients will not tolerate careless or casual treatment of information relating to their legal concerns.
- Emphasize good communication. Be responsible and thoughtful. Be as accessible as possible. Call your clients back promptly when they leave messages, even if only to tell them when you’ll be able to help. Don’t waste their time when they talk. Be prepared and anticipate their questions and circumstances. Do not avoid their calls. Even if you have failed to do what you promised to do within a certain time frame, it is better to call the client and tell them than have the client be uncertain. It is even better to check in periodically, even if you don’t owe answers, to show your continuing interest and effort to stay involved.
• Know your client well and learn to respect their priorities. You won’t always be able to turn to their questions immediately (nor should they expect you to). Develop a sense for learning which of their concerns they consider most important, and when and how they expect results. Deliver where possible, but always communicate clearly when your clients should expect to hear from you and with what progress.

• Be honest. If you don’t know the answer, say so, but also try to specify how you plan to find it. You need to create client confidence in your skills, but rapid assurances or strongly stated wrong answers are not the way to do it. Clients should not expect you to know all the answers, but they should be able to depend on you to find them. Risk issues aside, a client would much rather hear, “I’ll have to get back to you on that one,” than, “What I told you earlier (on which you relied) was wrong.” Similarly, be careful not to create unrealistic expectations about results, schedules, expenses, or other aspects of your engagement.

• Understand your client and their ultimate goal. Telling your client the law is helpful, but not nearly as helpful as suggesting practical solutions within the context of the law. Try to be practical and solution-oriented, not just a source of black-letter rules. Your client needs to make the personal or business decisions involved in the matter; your role is to provide the legal counsel or legal means to help him achieve that goal.

• Bill fairly and regularly. If you include a letter with your bill try to add a sentence or two to advise the client regarding the status of the matter, even if you have recently advised them. You may also want to advise them as to what the bill will be in the coming months. If you do not expect great activity, tell the client. If you expect that there will be a substantial bill coming, let the client know. The client will feel much better about paying a bill he or she understands, particularly if the bill provides a thorough explanation of the services you rendered. Additional issues on billing are addressed below.
D. Billing

As a new associate, one of the first responsibilities you will be required to perform is the completion of time sheets. Most firms track time spent on a case through the use of time sheets. Time sheets are not fun, but they are a necessary evil in the practice of law, especially in a defense firm. When considering the billing process, there are certain factors you should keep in mind: (1) your firm’s billable hour requirements; (2) your firm’s timekeeping procedures; and (3) each client’s billing procedures.

Your firm probably has a minimum number of hours that it expects you to bill each year. In order to ensure that you are on pace to meet or exceed the minimum requirement, you may find it helpful to keep track of the number of hours you bill each day. For example, if your minimum requirement is 1,800 hours, you must average 150 hours a month, 37.5 hours a week and 7.5 hours a day. It is also important to be aware that some of the time you put down on your time sheets may not be billable and may be cut. You should, therefore, try to exceed the billable hour requirement so that if some time is cut, you will still meet your goal.

Your entries on the time sheets are included on the bills sent to the respective clients. Many times the bills are the best way of keeping track of the status of the case and the work that has transpired. As such, you should pay particular attention to your entries to ensure their accuracy. Accuracy and compliance with client billing procedures are also important because the client’s in-house attorney or claims adjuster with whom you are dealing receives performance reviews like you do. One criteria used to evaluate these individuals are the bills received from the law firms. If the bills forwarded to them are inaccurate or vague, it will reflect poorly on them and on your firm. One example would be if a client did not pay for travel time; in that case, a time entry such as “traveled to New York to attend deposition” should not be included. If you are not familiar with the client’s billing procedures, you would not be aware of this fact and you may receive a rather embarrassing telephone call from your client or billing partner asking why such an entry is included. One good rule of thumb to keep in mind when completing your time sheets is to put yourself in the client’s shoes and ask yourself if you would pay for the work itemized on your bill.

You should also be familiar with your client’s billing procedure because, in today’s legal environment, companies are continually under pressure to cut expenses, and one such area is attorney’s fees. As such, many companies are now utilizing independent companies to audit legal bills. These audit services are very meticulous in analyzing bills and will routinely reject payment of entries that do not precisely conform to the client’s billing procedures. Entries that do not sufficiently describe in detail the work performed, such as “legal research” or “telephone conference,” are likely to raise a red flag and be denied payment. Depending on the billing procedure of a company, a more appropriate entry would be “legal research regarding enforcement of a non-compete agreement” or “telephone conference with Joe Smith regarding upcoming depositions.”

Finally, you should always remember that a bill that comes out of your office is a reflection of both you and your firm. A bill containing errors or that is vague will reflect negatively on you. Take time to ensure your time entries are detailed and correct. Keeping track of your time is not fun, but if it is done properly, both your firm and client will appreciate it.
Ethics

As a new attorney, you may be amazed at how quickly and frequently ethical questions may arise in your practice. Some of the ethical issues that you will face have easy solutions and the correct decision will be obvious. However, many of the ethical dilemmas that will surface will involve significant areas of “gray,” and the correct solution may not be so clear-cut. There are three main sources of guidance that are available to you.

The first source is the Rules of Professional Conduct themselves, which are contained in Missouri Supreme Court Rule 4. Even though we all studied the Model Rules in law school (especially in preparation for the MPRE), a periodic review of Missouri’s version of the Rules of Professional Conduct may provide the answers to some sticky questions.

Another source of guidance is older attorneys who have a number of years of experience. Chances are, they have been faced with, or know someone who has had a similar problem. Ultimately, your conduct will have to conform to the Rules of Professional Conduct and not to what an older lawyer may have told you, but at least you will have a different perspective as you make your decision.

A the third source is the Legal Ethics Counsel (LEC). The LEC will provide an oral or written informal advisory opinion on questions regarding your future conduct. You may contact the LEC at (573) 638-2263, by fax at 573-635-8806, or by mail at 217 E McCarty St., Jefferson City, Missouri 65101. Keep in mind that, if your actual conduct is different than what you provide to the LEC, or if you leave out material facts, the informal advisory opinion issued by the LEC may not be of much help to your actual situation.

You may also research Formal Opinions of the Advisory Committee and summaries of selected written informal advisory opinions on The Missouri Bar website (www.mobar.org) under “Information for Lawyers.”

The most troublesome area of ethics for attorneys is that of communications with clients. The majority of complaints filed with the Office of Chief Disciplinary Counsel involve either a lack of communication between attorney and client, or a miscommunication. Believe it or not, simple things like failing to return a client’s phone calls, failing to keep the client advised of the status of their case, and not stating clearly up front the fee to be charged, account for most of the complaints filed against attorneys by clients. You can help minimize the chance of being the subject of a bar complaint by simply returning your client’s phone calls promptly. Even if you have nothing new to tell them, tell them that, instead of not returning their calls. As a new attorney, you will be anxious to return phone calls just so you can have some client contact. But, as you get more experience and encounter more difficult, demanding clients, you will be tempted to sometimes avoid the client and not respond. Resist this temptation and keep the client informed.

One other troublesome area of ethical problems is in regard to fees. It is important to tell your clients up front what your fee will be. According to Rule 4-1.5(c), contingent fee contracts must be in a writing signed by the client, and must set forth, among other things, the percentage of the recovery that will constitute your fee. With respect to hourly fees, you should tell your clients what your hourly fee is. You may want to provide an estimate as to how much time you anticipate devoting to the file. It is always difficult to estimate how much time a matter will take, since that depends on a number of factors beyond your control, such as receiving documents from a third party or the cooperation of opposing counsel. Explain this to your clients in advance and provide a fee range that takes these
factors into account. You should realize that your client will probably only remember the lowest number in the estimate. As you get more experience, you will get better at accurately estimating the amount of time a matter will require.

Equally as important as advising clients of what your fee will include is advising them what your fee will not include. If out-of-pocket expenses such as filing fees, the cost of medical records, and deposition costs are to be paid by the client, this should be in writing and the client should be made fully aware of this. Similarly, it is important to set forth up front what services your fee covers and what is not covered. If you are limiting your representation in any way, Rule 4-1.2 requires your fee agreement to be in writing and signed by the client. Many representations are limited in some way. When in doubt, your fee agreement should be in writing and signed by the client. For example, if your fee will cover the trial, but not the possible appeal, that is limited scope representation. If your fee covers representing your client on a traffic matter, but not applying for a hardship license, then make sure your client knows this in advance. You will avoid a lot of problems down the road if you are clear in the beginning.
Client Development

Year after year, the practice of law becomes increasingly competitive. Billable hours and the ability to develop clients or become a “rainmaker” are of growing importance. The time of entering a law firm and automatically being made a partner seven to eight years later have long passed. Even though you may have only recently entered the legal profession, it is never too early to at least be aware of the importance of developing clients and securing some important skills that will help you become successful in this arena. Successful lawyering depends not only on good legal skills, but also on good marketing. Client development is a fact of life for even the most established firms.

Early on you should learn how to market your firm and to demonstrate your commitment to its success by cultivating new clients. Be sensitive, however, to your role with respect to client development. In some instances, it may be appropriate for you to take the lead with a potential client, while in others it may be more appropriate for you to support the client development efforts of others in your firm.

Many attorneys, both associates and partners, dislike or are made nervous by the very thought of “marketing.” However, it does not have to be such a daunting task. In fact, it can be fun. One way of making it more enjoyable is to simply place yourself in situations that you enjoy. Pick something you like to do. You may get involved in various local organizations. If you enjoy attending city-wide social events, see if your local Chamber of Commerce has a monthly mixer. These types of social settings provide an excellent training ground for practicing client development.
ground for thinking on your feet and describing your interests, your practice area and your firm to an interested stranger. More importantly, it creates a great opportunity to meet and greet business professionals outside of the practice of law in a friendly, non-aggressive environment. In moderation, these types of activities will quickly prove beneficial on both a personal and professional level.

In addition, to increase your exposure, you may want to join community or civic organizations. Such organizations will benefit from your involvement, and you will meet potential clients. Depending upon your practice area, you may also want to join industry organizations, committees or study groups. Often, these types of organizations serve as referral networks. Finally, you may want to join one or more of the national or local bar associations located in your area. Membership in one or more of these groups, particularly when coupled with active work with a bar section or committee, will allow you to meet other lawyers who may refer work to you.

Client development can be made easier if you eliminate the self-imposed pressure of landing a huge client and becoming a rainmaker overnight. Chances are you are not going to land a lucrative client your first time out, and more importantly, no one expects that of you. Exposure is the key to client development. Simply take the time to meet people. Develop a good reputation. Everyone you meet is a potential client. Do not be shy about handing out your business cards and be prepared to recommend your firm’s services when the opportunity presents itself. But at the same time, be sensitive to the setting when determining whether to gallop forward or pull up on the reins. Make sure that you do not engage in impermissible in-person solicitation under Rule 4-7.3.

Instead of looking at people you meet as immediate clients, step back and begin thinking of meeting people as a chance to improve your communication skills, and develop friendships and connections within the business world based on common interests. It is also important, in a polite way that fits your style, to learn to keep in touch. This can all start by periodically scheduling lunches with business people you meet, corresponding with them during holidays, and/or forwarding newspaper clippings concerning mutual topics of interest. It is as simple as mailing out your firm’s newsletter every six months. While they may not require your services the first time you meet, maybe months or years later when a specific problem arises, they will remember you, your area of practice and/or your law firm. Hopefully, at that point you are no longer a stranger, but a person with whom they have created a level of comfort.

Enjoy the process of client development with the confidence of a seasoned farmer planting seeds, knowing that over time opportunities will grow from your efforts.
Public Service / Pro Bono

No matter where you work or your area of practice, as a young associate there are periods when you will feel there are not enough hours in the day for you to finish your official work assignments, let alone take on pro bono assignments or get involved with public service projects. A word of advice: Find the time to get involved.

During the hectic practice of law, it is easy to lose sight of one of the reasons you probably have chosen to become a lawyer in the first place — to be a contributing member of your community. Although the demands of being an associate can be overwhelming, you should strive to make pro bono work a part of your practice. Pro bono work can be personally and professionally rewarding, and most firms encourage their associates to undertake such work.

Personally, you may be able to further a cause or issue that is important to you and your firm. You can find the time to contribute and will be surprised by how much your energy level rises when you know that you have something to do that is related to a project you personally want to see succeed.

Professionally, you may have an opportunity to take on more responsibility than you would otherwise have during the early stages of your practice. For example, if you are a litigator in a large firm, it may be years before you get to argue a motion in court, let alone actually take a case to trial before a jury. But a pro bono case may offer you that or other comparably interesting and significant opportunities.

You should check with your firm before accepting a pro bono matter. In addition, be mindful of your ethical obligations to competently and zealously represent your clients (that is, don’t bite off more than you can chew). In general, however, you should seek out matters that are of interest to you, that you think you can handle, and that are acceptable to the firm.

In addition, public service work through charitable organizations or taking leadership positions with your local bar or The Missouri Bar provides strong opportunities for community involvement. Such organizations may need your legal skills, business expertise and/or leadership skills to set up a specific project or event. Working with organizations can be a lot of fun and serves as a great way for you to get involved in your community and get to work with, and develop friendships with, other business professionals. If you work hard and contribute to the success of the group, it is an excellent way to develop a reputation for quality that will open the doors to future challenges both inside and outside the legal arena.

The Missouri Bar’s website (www.mobar.org) is a valuable resource for volunteering an attorney’s time as well as reporting pro bono hours. Another good resource is the various legal aid offices.
Legal Aid of Western Missouri
1125 Grand Avenue, Suite 600
Kansas City, MO (offices in St. Joseph, Warrensburg and Joplin)


Legal Services of Southern Missouri
2872 S. Meadowbrook
Springfield, MO 65807


Legal Services of Eastern Missouri
4232 Forest Park Ave.
St. Louis, MO (office also in Hannibal)

Counties served: Adair, Clark, Franklin, Jefferson, Knox, Lewis, Lincoln, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Schuyler, Scotland, Shelby, St. Charles, St. Louis (city and county), Warren, Washington.

Mid-Missouri Legal Services Corporation
205 East Forest Ave.
Columbia, MO

Counties served: Audrain, Boone, Callaway, Chariton, Cole, Cooper, Howard, Miller, Moniteau, Osage, Randolph.
Dealing With Other Attorneys

As a practicing attorney, the most important asset you will possess is your reputation. Because of the nature of our profession, you will have a reputation whether you seek one or not. You will have a reputation among fellow attorneys, among the judges, law clerks, court reporters and court personnel. Simply stated, a good reputation will help you get things done for your client a little more smoothly; a bad reputation will make your life more difficult than it has to be. It takes years to build a good reputation, but it only takes your being uncooperative in one case to start a bad reputation.

The easiest way to get a bad reputation is by being a jerk to your fellow lawyers. Playing hardball in an effort to win at all costs will quickly earn you the stigma of being “uncooperative” and “difficult.” Withholding documents, misrepresenting facts, using unduly harsh language, and refusing to accommodate the schedules of other lawyers is not “zealously representing your client”; it is being unprofessional and discourteous. This type of conduct also invites other lawyers to treat you in that manner. The Golden Rule should be your guiding principle.

In terms of communicating with other attorneys, courtesy and professionalism are definitely a must. It is very easy to fire off a hot letter or voice mail message to someone in the heat of the moment, but you should remember the rule that many lawyers live by: never put anything in a letter or voice mail message that you would not say to that person face-to-face. Remembering this rule will help you make sure that your emotional, knee-jerk reactions do not come back to haunt you later.

When drafting pleadings or arguing in court, refrain from attacking opposing counsel personally. Remember that opposing counsel is advocating a position, just like you are advocating a position. Therefore, it is all right to attack the position taken by opposing counsel, rather than attacking him or her personally. The beauty of our profession is that we can agree to disagree without making it personal or taking it personally.

Finally, most of you as new lawyers are looking forward to a long, prosperous 20-, 30-, or even 40-year career of practicing law. Even though we all hope for long-term client relationships, generally, clients will come and go. But the relationships with the courts and other attorneys, and the reputation you acquire in the process, will last your entire career. Therefore, do not let your clients talk you into doing something or taking a position that will jeopardize your career long after they have ceased to be your clients. As you take a position or dig your heels in on an issue, remember that you will see the same attorneys and the same judges over and over throughout your career, long after the client has moved on. Govern yourself accordingly, be courteous and considerate, and you will have a long, rewarding career.
Employment by the Government

Many of the tips in this Guide have been geared toward the young lawyer in a law firm. Not every young lawyer will find himself or herself in a law firm. Increasingly, new graduates are looking toward work in government agencies. These agencies may include prosecutor’s offices, public defender’s offices, city counselor or county counselor offices, or a variety of administrative agency offices where the legal work is done internally. In some respects, the considerations for young government lawyers are different.

The level of responsibility given to government lawyers is one major distinction. In a firm, a young lawyer may be responsible for advising the supervising partner regarding one issue or aspect of a case; government lawyers are often responsible for making the critical decisions in their cases from beginning to end. Additionally, government lawyers have very heavy case loads. (This is particularly true in the area of criminal law.) As a result, the volume and variety of work, along with the responsibility entrusted to the government attorney, provide continuing challenges.

To meet these challenges, get to know the “experts” within your office. Generally, in cases handled by governmental agencies, the legal issues do not vary much. Try to get a feel for which senior lawyers possess expertise in specific areas. Your reliance on their experience can keep you from “reinventing the wheel” with respect to some legal research or pleadings.

One of the big differences between the practice of a lawyer in private practice and that of a government lawyer is the relationship with your “client.” Government lawyers (with the exception of public defenders) often serve one client, whereas law firms may serve many. As a government lawyer, you will not be responsible for client development. Because you serve one client, most government agencies do not have a system of billable hours.

Elsewhere in this Guide, organization and ethics are discussed. Generally, the suggestions in those sections apply to private practice and to government lawyers, but a few issues deserve special attention.

First, it is important to stay organized. Develop a system that works best for you to keep track of deadlines and discovery. Keep accurate minute entries in your files so that another lawyer can work with the files on short notice, if necessary. Try to respond to all phone calls and correspondence from victims, witnesses, defendants and attorneys as soon as possible.

Second, regarding ethics, government lawyers have specific ethical rules. For example, there is a special ethical rule for prosecutors. Rule 3.8 of the Professional Rules of Conduct emphasizes that the prosecutor “has the responsibility of a minister of justice and not simply that of an advocate.” In that regard, it is unethical to bring a charge that the prosecutor knows is not supported by probable cause; seek a waiver of an accused’s important pretrial rights when the accused is not represented by counsel; or withhold information from the defense that negates the accused’s guilt or mitigates the offense. In addition to preserving the accused’s right to a fair trial by prohibiting pretrial publicity as set forth in the Professional Conduct Rule 3.6, Rule 3.8 adds a special duty to the prosecutor to “exercise reasonable care” to prevent law enforcement personnel or other persons associated with the prosecutor from making similar statements.

As you can see, there are many issues in the practice of a government attorney that create unique challenges.
Taking Care of YourSELF

If you are like most recent law school graduates, since the day you entered law school you have been looking forward to the day that you would be employed using your law school background. Now, the years of hard work and anticipation have finally come to a head and you are entering the work world. Additionally, if you are like are like most recent law school graduates, you are ready and eager to work and willing to do what it takes to move up in your firm or organization. You are ready to work long hours and weekends if necessary. You have seen what your co-workers’ production has been and know that you will not have a problem “competing” with others for job promotion.

As a recent graduate, be wary of one problem that all lawyers encounter. That problem is stress. Most lawyers who have been out of school for a period of time will tell you that the law is a stressful profession. There are many factors in a lawyer’s life that cause stress: superiors, billable hours requirements, co-workers, unreasonable clients, not to mention the work itself.

As a recent graduate, it is very easy to allow your excitement for your new position to cloud your ability to recognize when stress is affecting your life. In order to be happy in the law in the long haul, most lawyers come to the realization that managing stress is an important part of being a lawyer. Stress that is not managed properly will eventually manifest itself either physically or emotionally. Maintaining balance and perspective will help you alleviate and better deal with stress.

To assist you in alleviating stress and achieving balance and perspective at an early stage in your career, we have come up with the following suggestions:

- **Pace Yourself.** Work is different from law school in terms of pace and intensity. During law school, you generally have two, four-month periods of intense study followed by periods of long breaks. Most law schools allow 3-4 weeks between the fall and winter semesters and 12 weeks over the summer. At work, you will not have anywhere near the same amount of time off that you did during law school. There is no spring break at work. Thus, maintaining a law school intensity while working is next to impossible. Therefore, most people find that they need to let down on the intensity in order to avoid stress and burnout. This is not to say that one should not work hard. However, the point is that very few people can work 6-7 days a week at a rate of 12-16 hours a day and not suffer stress and burnout. You will be working for a very long time, so try to pace yourself.

- **Take Your Vacation Time.** Whether you go on a trip or just take it easy at home, take all of your vacation time. If the people in charge of your organization did not think that you needed it, they would not give it to you. You will not be doing anyone (including your employer) any good if you incur a stress-related illness or cannot concentrate due to stress.

- **Take Time For Yourself.** It is important that you have your own personal time away from work to just “be.” Some people take walks, read a book, or exercise. In order to stay balanced, you need to take time for yourself. Additionally, if you make an effort to take time for yourself, your participation in that activity can help you monitor how you are doing. For example, if you are not feeling quite right, you can ask yourself if you are taking that walk that you usually take.

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If not, then you might ask yourself why your walk has been cut out of your schedule, and thereafter work your walk back into your schedule.

- **Stay Tied In With Your Support Network.** Most everyone had family and/or friends that were not “law-related” persons who supported them through law school. Continue to draw on the support of those people and spend time with them. Those who are close to us are often the people who provide perspective for our lives. Do not allow a job to take that away from you.

- **Spend Time with Your Spouse or Significant Other.** If you have a spouse or significant other, make sure to spend time with that person. Because this person cares for you, they might be willing to cut you more slack than other people would. Do not take advantage of that person’s willingness to work with you. Foster the relationship.

- **Basics of the Body.** Although this seems to go without saying, getting enough sleep, eating right and exercising will go a long way in promoting balance and health.

- **If You are Having Problems, The Missouri Bar Can Help.** The Missouri Lawyer Assistance Program is a professional and confidential program of The Missouri Bar designed to assist its members, law students and respective families with problems that adversely affect their personal or professional well-being. The program helps those with problems such as substance abuse, stress, burnout, depression, marital or other family problems. The program provides educational services as well as prevention and intervention services, assessment, brief counseling and referral services. If you are experiencing any difficulties, the program is available 24 hours a day seven days, a week by calling 1-800-688-7859.
For young lawyers, The Missouri Bar is a resource for professional development, networking and support. Through a variety of programs and volunteer opportunities provided by the Bar, young lawyers can make connections with more experienced lawyers. This networking and mentoring process can enhance a young lawyer's career development as well as professional skills.

For example, Missouri Bar publications educate and inform all lawyers about special areas of the law and developments in the practice. Programs such as the Fee Dispute Resolution Program help lawyers better serve their clients. The work of The Missouri Bar is done by committees. Committees provide another great resource for the young lawyer to orient himself or herself in the practice of law. This section will give a brief overview of how the Bar is organized, some of the resources available and some of the volunteer opportunities for young lawyers.

The officers of The Missouri Bar are the President, President-Elect and Vice-President. The Executive Director serves as the Secretary to The Missouri Bar Board of Governors and the Clerk of the Missouri Supreme Court acts as the Treasurer. The Board of Governors, the representative body of The Missouri Bar, is comprised of the retiring president of The Missouri Bar, 44 members elected from 15 districts across the state, and a representative from the Young Lawyers’ Section of The Missouri Bar.

Every member of The Missouri Bar who has yet to attain the age of 36 or has been a member of the Bar for less than three years is automatically a member of the Young Lawyers’ Section of The Missouri Bar. The Young Lawyers’ Section (YLS) produces a number of publications, including a Small Claims Court Handbook, a Domestic Violence Handbook and an Adoption Guide that familiarize lawyers with these respective areas of the law. The YLS also sponsors a number of continuing legal education (CLE) programs throughout the year and provides general services that assist young lawyers in performing volunteer work. Every young lawyer should visit the Young Lawyers’ Section website to help with involvement, upcoming events, and various legal resources: www.mobar-YLS.org

There are a number of valuable publications available through The Missouri Bar. These include pamphlets on many areas of the law which can be disseminated to your clients, or retained for personal reference. There is also a deskbook series. Deskbooks are reference tools for the practitioner. These deskbooks, written by Missouri lawyers, include case law and statutory updates. Four times per year the Bar publishes Precedent, which offers a variety of timely, practice-oriented articles of direct value to practitioners.

There are more than 40 committees of The Missouri Bar in which you may become active. These committees include such areas as Administrative Law, Commercial Law, Eminent Domain, Gender and Justice, International Law, and Sports and Entertainment Law. Committees generally meet twice per year – at the Spring Committee Meetings and again at the Fall Committee Meetings. Because the committees form the basis of most Bar activities, they are a good vehicle for leadership within the Bar. They also provide important social opportunities and substantive educational programming. To find out more about what committees are available and how you can get involved, contact The Missouri Bar.

Again, it is worth noting that there is a special service provided by The Missouri Bar called the Missouri Lawyers’ Assistance Program. By dialing 1-800-688-7859, law students, lawyers, judges and their families may confidentially tap into a resource to provide assistance with a variety of personal problems. These problems may include alcoholism, chemical dependency, depression,
stress, burnout, marital problems and emotional problems. This service is free.

Although the Bar has its own professional staff, much of the work is done by volunteer lawyers. Lawyers are often needed for various CLE programs offered throughout the state. You can serve in this capacity as a featured speaker or as a moderator for a panel or program. Volunteer lawyers write for Bar publications, such as the deskbook series or the *Journal of the Missouri Bar*. Writing for a deskbook or *Journal* is an excellent way to share your knowledge with other lawyers and to become known as an “expert” in the field. The Missouri Bar Young Lawyers’ Section also has a Speakers’ Bureau, which recruits lawyers to speak about the law in various schools and community groups throughout Missouri. In some instances, young lawyers may hesitate to volunteer because they have concerns about balancing time. The fact of the matter is that many of the volunteer positions are designed so as not to unreasonably interrupt a lawyer’s practice. Many legal employers recognize that visibility in The Missouri Bar means visibility for their organizations as well as better legal employees. As a result, they are usually accommodating, within reason, to volunteer work. Becoming a better lawyer is the strongest reason for becoming a Bar volunteer.

For a complete listing of Missouri Bar publications, programs, committees or services, contact The Missouri Bar at P.O. Box 119, Jefferson City, MO 65102. The phone number is (573) 635-4128. You may also visit the Bar’s website at www.mobar.org.
Affiliates

St. Louis Area

Bar Association of Metropolitan St. Louis

The Young Lawyers Division (YLD) is a network of lawyers interested in career advancement, public service, leadership training and social interaction with lawyers of all ages. All members of The Bar Association of Metropolitan St. Louis under the age of 36 or who have been practicing law fewer than five years automatically become members of YLD. We provide programs and services responsive to the needs of the bar and the St. Louis community. YLD is governed by an executive committee of young lawyers elected by the YLD membership every year, along with committee chairs appointed by the YLD chairperson, and is an active affiliate of the YLD of the American Bar Association and the Young Lawyers' Section of The Missouri Bar.

Contact: Rachel Jeep at 314.726.1900 or jeep@ctfpc.com

Mound City Bar Association

Mound City Bar Association is the oldest African-American bar association west of the Mississippi River, organized as the St. Louis Negro Bar Association on January 7, 1922. Our objectives are to advance the professional interests and professional development of its members; promote the administration of justice; uphold the honor of the legal profession; and provide service to the community.

The Young Lawyers Division of Mound City Bar Association sponsors informal dinners with young lawyers and prominent attorneys and judges in the area, networking events with other young professional organizations, CLEs and community service projects.

Contact: Micah Hall at 314.454.1100 or attorneymhall@gmail.com
Contact: Jennifer Tyus at 314.436.8381 or jtyus@lashleybaer.com

St. Charles County Bar Association

Contact: Erin Burlison, 314.608.3006 or erin@loharstaebell.com

Kansas City Area

Association of Women’s Lawyers of Greater Kansas City

AWL was formed in 1976 to advance the role of women in the legal profession. Since then, its membership has grown to nearly 400 lawyers and judges. AWL provides opportunities for networking and a forum for the exchange of ideas. Its ongoing and annual activities allow the organization to contribute to the Kansas City community.

Contact: Phyllis Norman at 660.259.6175 or nphylli@yahoo.com

Eastern Jackson County Bar Association

Contact: Nicole Fisher at 816.836.9950 or nfisher@leonardfinley.com

Kansas City Metropolitan Bar Association

The Young Lawyers Section of the Kansas City Metropolitan Bar Association serves to connect new attorneys with opportunities for leadership and networking while serving the legal community. The section includes several committees, including Continuing Legal Education, Inn of
Court, Membership and Social, New Lawyers, Public Relations, Public Service, and Special Projects. Through educational programming and the Inn of Court trial advocacy program, the section strives to provide educational opportunities that assist new lawyers and the legal community to hone their skills as attorneys. The Public Service Committee is also active in planning projects that provide legal information and outreach to the local community, including Law Week, which features Ask-A-Lawyer during four nights on a local television news station and a presentation of the Gold E. Locks trial to elementary students.

Contact: Nathan Orr at 816.292.8872 or norr@spencerfane.com

Lawyers Association of Kansas City

Contact: Lara Owens at 913.387.5503 or lowens@owens-lawfirm.com

Outstate

Boone County Bar Association

The Boone County Bar Association Young Lawyers Committee meets monthly to socialize, network, and welcome new attorneys to the Boone County Bar Association. In addition, we participate in charitable and community activities and host an annual golf tournament to support a local charity.

Contact: Sander Sowers at 573.875.1991 or sowers@learwerts.com

Cape Girardeau Young Lawyers Association

The Cape Girardeau Young Lawyers Association hosts social activities, such as happy hours, approximately every two or three months.

Contact: Michael Gardner at 573.651.9000 or mgardner@ohymlaw.com

Clay County Young Lawyers Association

The Clay County Young Lawyers Association offers networking, CLEs, and a trial advocacy program for young attorneys practicing in Clay County. Monthly events are held.

Contact: Kate Noland at 816.736.8317 or Kate.Noland@claycopa.com

Mid-Missouri Young Lawyers Association

Mid-Mo YLA is a new bar association for young lawyers that has been established in the Jefferson City/Columbia and surrounding area for all young attorneys in good standing of The Missouri Bar whose residence or place of employment is Cole, Moniteau, Osage, Boone, Callaway, Cooper, Howard or Saline counties. This new bar association requires no annual dues or enrollment.

Contact: Laura Bailey Brown at 573.751.6579 or laura.brown@ago.mo.gov

Springfield Metro Bar Association

Contact: Philip Hopper at 417.839.5277 or hopperphilip@gmail.com
Employment Resources

http://www.mobar.org/jobsforlawyers/
http://law.missouri.edu/careers/
http://law.umkc.edu/careers/career-services-job-seekers.asp
http://slu.edu/x47245.xml
http://law.wustl.edu/career_services/index.aspx
http://www.americanbar.org/groups/diversity/resources/job_search.html

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Conclusion

The transition to work from law school can be difficult at times. You will find, however, that over time, you will develop the skills necessary to adapt to your particular work environment. We hope that the information in this Guide will help smooth and speed the transition for you.