

Brushing Your Teeth in the Shower:

A Guide for New Lawyers on How to Maximize Efficiencies and Develop Your Reputation Amongst Your Colleagues¹

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A day after I was officially Called to the Bar, I received two diverse greetings from different lawyers. The first lawyer – a family-friend who had been practicing for 15 years, welcomed me to the profession, and offered me her sincere congratulations. The second – a battle-weary litigator who had spent the last 40 years in the courtroom – offered his condolences. Admittedly, I was far more intrigued by the condolence chord that was struck than the congratulatory one.

“More client demands!” he said... “More expectations from your employers!...Smartphones are digital handcuffs!...Increased pressure to earn higher income due to the unsustainable cost-of-living increases!...and perhaps most daunting,” he then whispered, “an oversaturation of lawyers, all competing to attain employment, stay employed and stand out in the eyes of their superiors!”

With those blunt (and eerily, motivational) words of wisdom, I hopped onto the shoulders of the giants that preceded me, and attempted to develop an action-plan to ensure that the modern stresses of daily practice could be managed in a healthy, tolerable manner.

The goal was simple: develop as many strategies (no matter how small) to chip away at the challenges that would inevitably arise.

The following is an informal guide to some of the strategies that I have picked up along the way to assist young lawyers in multi-tasking, finding efficiencies, impressing their bosses and generally distinguishing themselves in a profession replete with intelligent, hard-working and creative individuals.

In reviewing the below list, please note that just like the fluid nature of our profession, distinguishing oneself from your peers and colleagues is much more of an art than a science – learn, adapt and creatively challenge yourself in a manner than works for you.

1. Set realistic expectations – and then beat them

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It is much better to say “no” than to disappoint. As a young associate, you will be tasked with many assignments, often with competing deadlines. At times, senior partners may “pull rank” and ask (i.e., demand) that you drop everything and assist on an urgent task. He or she may ask if you are up to the task and can take on this important and time-sensitive assignment.

First and foremost, consider (realistically) whether you are able to complete the task in the time-frame given. If so, accept the task, roll up your sleeves, and burn the midnight oil. If not, an appropriate response may be to advise the lawyer that you have scheduled tasks already in your calendar and that you may require assistance in speaking with the other lawyer to see if his or her deadline could be moved. If the competing assignment is immovable, you should speak to your in-firm mentor on advice on how best to proceed. If you ultimately decline the time-sensitive assignment, be sure to thank the partner for the vote of confidence, advise that you would be thrilled to work with the partner on other tasks in the future.

Declining work may be a tough pill to swallow (surprisingly, it is equally difficult for the lawyer who assigned the task in the first place to be told ‘no’). However, the senior lawyer will ultimately be pleased that you have the firm’s best interests in mind – and it is *far better* to say no than to accept the assignment and fail to deliver.

2. Reputation and perception matter

Whether it is colloquial ‘water cooler’ chatter, or formal requests for feedback on the young lawyers and students, lawyers TALK. They talk about how impressive a particular lawyer is, and how unimpressed they were with a particular lawyer or student.

Treat every lawyer at your firm (even those you do not wish to work with in the future), every practice group (even those that bore you), every task (even the mundane) and every file with the utmost interest and attention. It would shock you to learn exactly how quickly unfavourable feedback makes its way around the office.

Similarly, if you perform well on a task, the senior lawyer for whom you did the work will sing your praises. By approaching every assignment with vigor, you will set yourself up to be counted upon in the future when challenging (and more interesting) assignments arise.

3. Seek out work and stay involved in the file

Showing an interest in an outcome and volunteering to make a senior lawyer’s workload just a little bit lighter is golden. If you are asked to prepare application materials and a brief, inquire if you can come along for the ride and attend Court for the hearing. Offer to ‘note up’ the opposing

party's cases when you receive their legal submissions. Consider reviewing your own cases to ensure they are still 'good law' the day before the hearing.

If you are asked to prepare a legal opinion or conduct research, inquire whether it is for a client opinion, legal submissions, or a deposition.

It is amazing how many doors can be opened simply by directly asking. Your future is yours for the taking, and although your colleagues, mentors and friends are there to help you, once you reach this level, no one will hold your hand. Take initiative.

4. Master the art of research

As a junior lawyer, you may be in the best position to assist senior counsel on updated case law.

Feel free to ask the senior lawyer what her or his initial thoughts are. If you can find out upfront whether she or he thinks the research assignment is a 'needle in a haystack' assignment or whether there has been judicial commentary spanning generations that will help you focus your search accordingly.

Do not forget to ask whether there are any limits on the amount of time that a client will approve of to conduct the research.

Remember, your research may ultimately end up in the hands of a judge. Ensure it is up to date, that the case law has not been overturned.

5. Form and presentation matter – draft like a chameleon

If you do not already know, you will soon find out that lawyers have *many* idiosyncrasies.

Lawyers are in the business of persuasion. In litigation for example, we ultimately work to prepare a case in a manner which we think will be the most persuasive to a judge or jury. However, we spend much of our time too trying to persuade opposing counsel to accept certain positions, not to mention time spent trying to persuade our clients of the strengths and weaknesses of the case.

Prior to completing an assignment for a particular lawyer, some preliminary reconnaissance is recommended to explore and identify the lawyer's preferences.

Written advocacy is essential to the practice of law, no matter the field. As the legal system continues to swell due to a scarcity of resources, and as clients and senior lawyers alike continue

to get busier and busier, written advocacy will continue to play an increasingly important role in our profession.

Therefore, in order to distinguish yourself from your peers, it is important to learn how to draft like a chameleon. Shadow your mentor and the lawyer you are conducting the assignment for. Justifying your text in neat paragraphs, writing with the same font as the lawyer, and preparing legal briefs in the manner the lawyer prefers will save the lawyer reviewing your work significant time and will leave an impression that you pay attention to crucial details.

By way of example, lawyers tend to reference legal authorities in briefs in two primary ways. Both are acceptable (depending on your jurisdiction).

Some prefer to cite the legal proposition and then right underneath in bold, they put the reference to the legal authority (generally appellate or Supreme Court case law) which supports that proposition of law. The idea is quite simple – to persuade a Court that a particular proposition should be adopted in this case, the lawyer sets out the argument and then right there effectively states – “I am not the only one advocating this position...look at the brilliant jurists that came before you that have arrived at the same conclusion.”

Others are of the view that embedding legal authorities into the brief disrupts the flow of the argument. These lawyers prefer footnotes or endnotes. The brief, in their view, is a story, and they want the reader to hang on to every word and read with a sharp eye and without any disruption.

If you are tasked with preparing a first draft of a brief, it would be prudent to ask the senior lawyer’s assistant for a precedent of another brief so you can get an idea of the writing style of the lawyer and pick up some nuances that may just set you apart from the rest of the pack.

6. Be prepared – try and find the answer before you ask questions

The old adage, ‘there are no stupid questions’, remains true in the context of a law firm. However, try and find the answer first before inquiring. This way, you can preface the question for the senior lawyer by saying you have looked in sources A, B and C, but still are not clear on the next steps.

7. The tension between putting all your eggs in one basket and “repeat business”

There is a risk when you are just starting out that you will get pigeonholed into only working in a certain practice area or only working for a certain lawyer. It’s important to build those relationships so you know a senior lawyer is in your corner come time for annual reviews,

rehiring, determination of which junior will attend certain trials or work on high-profile cases, etc.

However, it is just as important to spread your wings and try out different areas and learn from different lawyers.

Being a lawyer is *hard* work. Your client's liberty, lifestyle, family, safety or money are often in your hands. You also will spend your days interacting with other lawyers, who are some of the supreme intellectual minds of our generation.

Therefore, it is important to learn when you are just starting practice from as many different sources as you can.

The timeless teaching of *Ben Zomah*, a 2nd century young Jewish scholar who died at a very young age, comes to mind. He famously penned the teaching: 'Who is Wise? He Who Learns from Every Person.' While raw intelligence and aptitude are significant, experiential learning is fundamental for your continuing education. Those who do well in our profession learn from everyone they come into contact with.

By working for as many different lawyers (a.k.a. personalities) and learning how they practice, you can learn from them what to do, and sometimes...what not to do. You will become a better lawyer as a result.

8. Roll with the punches

You will undoubtedly make mistakes. Try and learn from them, and try not to repeat the same mistake twice. Criticism is inevitable, but if you try to develop a thick skin and attempt to convert all criticism that comes your way into *constructive* criticism, you will turn a potentially difficult situation into a learning experience.

9. Build your profile

Lawyers wear many hats. One metaphoric hat that you will no doubt wear is that of a marketer. We all try and market ourselves to clients (prospective, new and old). We try and market our skills to the senior lawyers on our team so we can continue to obtain high-level work.

To help distinguish yourself from others, consider building your profile, both in and out of the firm. Write case comments and consider whether they can be posted on your firm's website, or on your own personal social media accounts. Attend networking events. Update yourself on emerging legal trends.

One habit of mine that I learned from my mentor is to review approximately 5 appellate cases a day when I eat my lunch (at my desk). If there is a case of precedential value that I come across, I forward the link to other lawyers that may find it relevant to their area of practice. Internally, it demonstrates to your peers that you have your pulse on recent updates. It has led to some fantastic opportunities. Sending cases to lawyers outside the office has led to referral work as well.

10. Relax, have fun and set realistic expectations for friends and family

Some lawyers live to work. Others work to live. Regardless of what category you fall into, there is a body of research suggesting that you will be happier and more efficient if you attempt to obtain an appropriate balance.

Set aside some time to do what you enjoy outside the office. Perhaps it is a workout class. Perhaps it is dinner with a friend, family or a loved one.

The reality of our profession is that we work hard, often longer hours than we would like. However, if you carve out time for yourself on a daily or weekly basis, your energy levels may actually increase and you will be better able to service your clients.

It is also important for a young lawyer to manage expectations. Do not make dinner plans for 5:00pm. Do not agree to go to a concert while you are in the middle of your firm's busy season. If you have a trial scheduled or a deal that you expect to close on a certain date, let your friends and family know that you will be unavailable for a while – make sure when you have that conversation you set something up for when you expect to have more free time.

Parting words

Our profession and industry as a whole face challenges, and the path to success may look different than those of your predecessors.

On your journey, try and remember that we work in a nuanced industry. Acquire through experience as many practice tips and strategies you can glean from your colleagues and mentors to appropriately and responsibly multi-task (even if you do not literally brush your teeth in the shower). View every opportunity as a learning experience to build your skillset and reputation.

Enjoy this tremendous privilege, enjoy the challenges, and congratulations, (*not* condolences)!