

# NEW LAWYER SURVIVAL GUIDE



ADVICE FROM THE  
TRENCHES ON HOW TO LIVE  
YOUR LIFE IN THE LAW



ILLINOIS STATE  
BAR ASSOCIATION

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*This publication is sponsored by the ISBA Mutual Insurance Company*

# ISBA NEW LAWYER SURVIVAL GUIDE

## INTRODUCTION

**W***elcome to the practice of law!* The transition from law student to lawyer will be an exiting, sometimes unnerving, one, but be assured that everyone goes through an acclimation period.

This Guide has been developed by members of the ISBA who have gone through the same transition you are now experiencing. It addresses some common themes and provides some basic pointers. We hope it will prove useful as you begin your legal career.

However, since rules, forms, personnel and conduct vary throughout the 102 counties in Illinois, we can't begin to provide you with comprehensive information. So, never hesitate to question your peers, mentors, court personnel, or your fellow ISBA members about why or how things are done. Their advice can prove invaluable.

Again, we welcome you to the profession and wish you success as you embark on your career.

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Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses, and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man. There will still be business enough.

~ Abraham Lincoln

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## HOW TO GET ORGANIZED— AND STAY THAT WAY!

As a new lawyer, you are faced with the challenge and necessity of being well organized. For many new lawyers, lack of organization in pre-lawyer days led only to personal suffering. As an attorney, the stakes are much higher. Disorganization is detrimental to your clients, to your firm, and ultimately, to your career. Set aside a small amount of time each day to get organized. In time, daily organizational practices will no longer be just one more task that needs to be done, but more of a good habit.

For many people, you, the new lawyer they engage, will be their first contact with an attorney. First impressions are often lasting ones. Establishing a good reputation as an effective and organized attorney is key to keeping clients. And perceptions formed by colleagues, partners, opposing counsel, and judges—as well as clients—will go a long way toward determining your future prospects.

Here are some practices that lead to better organization:

- Take time to become familiar with your cases.
- Keep a daily planner, detailing your appointments and court appearances for every day of the year.
- Maintain a “to do” list, which also prioritizes tasks by what needs to be done soonest, and what tasks are the most important.



- Create new files for new matters and new cases immediately after beginning work on the project.
- Clean your desk at the end of the day, or at least once a week in busier times. This greatly decreases the likelihood of losing or misfiling paperwork.
- Detail all events from every court appearance in your files as soon as possible after appearing in the courtroom. You can't rely on opposing counsel, your client, the clerk, or even the judge to keep detailed records of court proceedings and decisions.
- Complete your time sheets daily.
- Open your mail daily. File away all important mail related to your cases. Respond the same day to as many matters as possible. Throw away all junk mail or unnecessary mail—don't let it clutter up your desk.
- Check your phone messages and e-mail daily. Return messages promptly and note details of conversations in your files, if appropriate.
- Create a “tickler” file to remind yourself of approaching deadlines for filings or status checks on cases.
- Familiarize yourself with your firm's, company's or organization's filing, docketing, and billing systems. Don't be afraid to ask for help or compare organizing “notes” with others when you're newly hired.



- Make sure that your filing system is accessible and easy to understand. If you have emergencies that change your schedule, or if you are transferred to another assignment, you will still be able to communicate with staff at the office if your files are accessible and easily understood.
- Periodically review all files and assignments to ensure that you are up to date with everything you're supposed to be doing.
- Follow up with clients, partners, co-workers, and supervisors to let them know what you are doing on a case. It's good practice to let the people you work with know what you're doing so that there is no duplication of labor. Additionally, it fosters excellent attorney-client relationships when you keep the client abreast of the work you and your organization are doing on their behalf.

Being organized is crucial to the new attorney. Hopefully, you will bring strong organization skills to your new profession as a result of previous life experiences. If not, you must make it a priority to quickly learn these skills and put them into practice.

To re-cap: Lawyers need to maximize effective use of their time and be as efficient as possible. You must avoid missing deadlines or making a habit of creating last minute emergencies. Careful record-keeping helps you do that. As an effective new lawyer, you must also document what has been done and what needs to be done—and learn how to prioritize all of your tasks.



## R-E-S-P-E-C-T THE PROFESSIONAL SUPPORT STAFF

Remember that part of successfully working in any office, public or private, requires a team approach to accomplishing the goals of the organization. Professional support staff are just as important as attorneys in getting the job done properly. Professional support staff may include such persons as secretaries, paralegals and librarians.

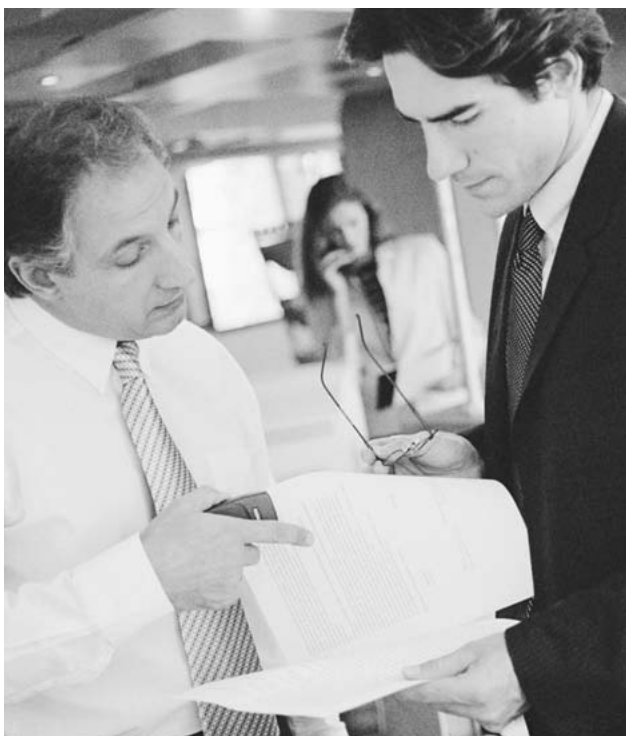
With the proper team approach, and by treating others as you would want to be treated, you can form solid working relationships. Remember that working with staff is a two-way street—they are there to help you, but you must also help them by fostering a positive work environment.

The keys to a solid professional relationship with support staff include respect, consideration, good communication, and basic courtesy.

**Respect** – Support staff are on the front lines for attorneys and deserve the utmost respect. They have to deal with the public, clients, and all of the members of your office. Tasks often include answering phones, filing, transcribing dictation, copying, faxing, research, mailings, etc. These all require attention to detail and good organization, especially when working with multiple attorneys.

**Consideration** – Be patient with staff as you get to know one another. It takes a while for team members to appreciate each others strengths and weaknesses. Do not overload your support staff with tasks. When you present tasks, be mindful of time constraints and feelings. If you





share support staff with other attorneys, remember that they all are placing similar demands on support staff, so make sure your timeframe for completing tasks is reasonable under the circumstances.

***Good Communication*** – Do not expect support staff to read your mind. Give clear directions, write legibly, and prioritize your requests.

***Basic Courtesy*** – Do not forget to say please and thank you. This may sound elementary, but when you treat your co-workers with respect, it helps foster a positive team environment. Little things, such as greeting your co-workers in the morning, showing concern for them, and praising a job well done are all ways to show courtesy.



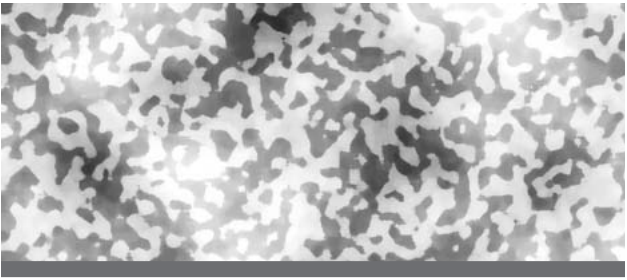
## COURT PERSONNEL— KNOW THEM, FIND OUT WHAT THEY KNOW

Few people know more about court procedure, conduct, or forms than the court staff. These people generally work every day on a specific aspect of the practice. Will the judge accept orders over the counter? Do I need a cover sheet to file a new case? Does the court accept agreed orders off call? Just about any procedural question dealing with a case—from initial filing to judgment or dismissal—can be answered by court personnel. These people include the circuit clerks at the counters, the judge's clerk of the courtroom, secretaries, judges' law clerks, and bailiffs.

When you file a new case, do it yourself or accompany whoever does so for your firm. Introduce yourself to the clerk and ask what is expected from their perspective. ARDC and county identification numbers? Cover sheets? Number of copies of each document?

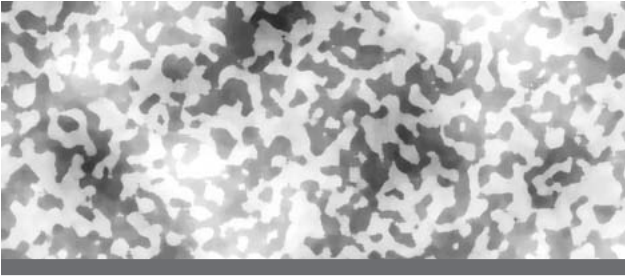
Learn how the system handles the incoming caseload. Usually the clerks are more than happy to explain how they handle your new case. You can eliminate simple procedural errors and not worry about delays from rejected pleadings.

If possible, arrive early or stay late at your first few court calls. Introduce yourself to the bailiff and court clerk. Do they require attorneys to check in? Can simple or uncontested matters be called ahead of the regular docket? If you have to cover two calls at once, speak with the bailiff or court clerk on how to hold your case. If court is in recess, ask if the judge is available to meet with you. In some counties and with some judges, you can spend a few minutes with a judge in chambers get-



ting introduced and receiving pointers.

Learn from the law clerk or courtroom clerk whether courtesy copies are necessary and if so, in what circumstance. Should draft orders be proposed with courtesy copies of the motion? In some counties, judges never see the court file, while in others the judge will receive the file days in advance of the call. Many of these answers



cannot be found under local or state rules. The judge may have no sympathy for your failure to follow that particular courtroom's procedure. Take the time to ask the courtroom staff.

You may notice experienced attorneys and bailiffs engaged in conversation before a call. Both work together, sometimes on a day-to-day basis, and understand and respect each other. Friendships develop. The bailiff informs the attorney when a pro se adversary has arrived. The attorney informs his client on courtroom decorum and the bailiff's responsibility to maintain order. You may notice judges whispering or even openly asking a clerk questions on procedure or forms. Trust has developed.

If nothing else, you must realize that court personnel are part of the system of justice. They are indispensable and trusted members of the process, and while they are more approachable than judges, they deserve the same courtesy.

Often there will be court personnel who will go out of their way to assist you. Be courteous and respectful to them. They do a difficult job, deal with a sometimes acrimonious public, and are underpaid. Do not take your adversarial position from oral arguments to the clerk's counter. If they can't do something, ask why, and then ask how you can accomplish your task. If they don't know the answer, politely ask to see the division's manager or the circuit clerk personally. Unless you have previously burned your bridges, court personnel will assist you in serving your clients.

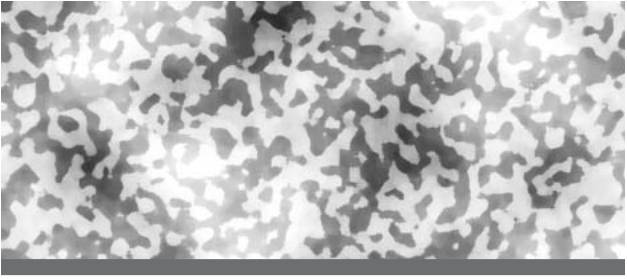


## **KEEP IT CIVIL AND REAP THE BENEFITS**

The old gangster movie adage rings true in the legal profession: It's nothing personal, it's just business. You must be able to separate your role as an advocate from personal feelings. You will argue venomous facts against the client of a good friend. But at the end of the case, despite the outcome, both attorneys should have respect for the manner in which the case was conducted.

No doubt you will run across jerks. No doubt at some point you will lash out at opposing counsel. However, good attorneys vigorously argue and advance their client's position without personal attacks. They do so without screaming or dramatics. If you run across an





attorney who thinks otherwise, you must rise above it. If you are in oral arguments, keep your eyes on, and address only, the court. Most judges will not tolerate theatrics. If you are outside the courtroom, politely excuse yourself and indicate you are available to engage in dialogue when your opponent is ready to do so.

Attorneys never obtain a better result for a client, or advance a position, by being obnoxious. Sometimes you have to watch a show for the other side's client. This accomplishes little on the merits of the case, and in fact, it's a great disservice to the profession because it reinforces the negative portrayal of lawyers often seen on prime-time television.

Tangible goodwill is based on your reputation. Referrals result from competent and professional representation. Judges, staff, and court personnel will be much more inclined to listen to you or give assistance if you have developed a good reputation. Advocate on behalf of your clients, attack opposing positions, question the interpretation of evidence—but do not attack the other side personally. Courtesy and advocacy are not mutually exclusive.

If you make an effort to establish rapport with opposing counsel, you will service both your client and your career. The merits of settlement positions and negotiations will be advanced, discussed, and considered with greater ease. Routine case management and procedure won't be a headache. Future contact on other matters will not instantly degrade into trench warfare. What do you gain? Referrals. Stronger settlements. Less costly service for your clients. In short, your career will be more rewarding.



## **DEAL WELL—AND OFTEN— WITH YOUR CLIENTS**

New lawyers are often anxious about dealing with clients—and with good reason. Clients are your livelihood. There is a delicate balance each attorney must find to gain the trust of clients and to adequately represent their interests. If attorneys establish good client management practices at the start of their careers, they will have a firm foundation on which to build a successful practice and reputation. Three areas where new attorneys can start building the foundations of their professional careers are: Avoiding conflicts of interest; clear communication with clients; and, knowing your limits as an attorney.

### **CONFLICTS OF INTEREST**

- The Illinois Rules of Professional Conduct prohibit attorneys from representing clients where they may have a conflict of interest. Always do a conflicts check prior to agreeing to represent a potential client.

### **COMMUNICATION WITH CLIENTS**

- Be very clear with clients as to the scope of your representation and billing practices. Written engagement letters are a good way to outline these issues.
- Remember that clients are customers and should be treated with respect and care. They have entrusted you with assisting them with important matters in their lives, and good communication helps foster positive working relationships. Be courteous. Answer messages.



Don't avoid phone calls. Keep the lines of communication open. These things will help foster a positive relationship between you and your client and build trust.

- Be sure that you understand your client's ultimate goal, and set realistic expectations for your representation.

### **KNOWING YOUR LIMITS AS AN ATTORNEY**

- Remember that you do not have to take every case that walks into your office. Learn to spot problem clients. (Read more about these clients on page 25.)

If you don't feel competent to handle the case, don't take it. Or, get another attorney to assist you who has expertise in that practice area.





## **ETHICS—UPON THIS MOUNT IS BUILT YOUR REPUTATION**

Newly admitted attorneys are not exempt from ethical issues. Professional responsibility classes in law school may not adequately prepare you for all of the ethics issues that await you in practice. Fortunately, there are many resources to guide you.

The primary source for ethics guidance is the Illinois Rules of Professional Conduct. These are found in Article 8 of the Illinois Supreme Court Rules, and may be obtained at [http://www.state.il.us/court/SupremeCourt/Rules/Art\\_VIII/](http://www.state.il.us/court/SupremeCourt/Rules/Art_VIII/). A periodic review of these rules is a good idea for all attorneys in order to be mindful of them when sticky situations arise.

The second source for ethics guidance is a mentor attorney. Whether in your office or another attorney in your community, a more experienced practitioner often can help guide you through your ethical dilemmas.

Another source of help is the Illinois State Bar Association. For members, it provides an informal ethics advisory service that provides guidance based on the Illinois Rules of Professional Conduct.

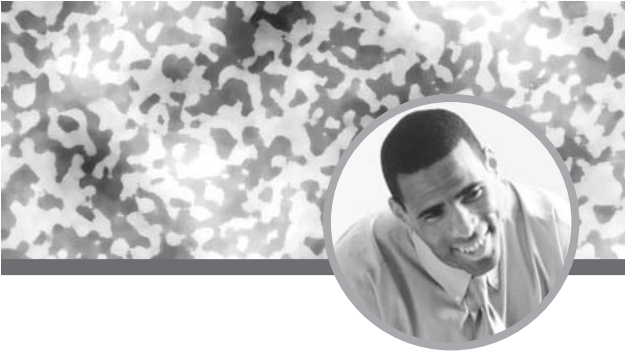
This service is two-fold. First, the Board of Governors has approved a number of Advisory Opinions on Professional Conduct drafted by the ISBA Committee on Professional Conduct. These opinions are based on hypothetical fact scenarios submitted by member attorneys, and can often be applied to similar scenarios that other practitioners face. If a similar opinion is not available, the Committee on Professional Conduct may take up your inquiry, but it usually takes a minimum of nine months for opinions to be adopted and published. If the facts discussed in your inquiry are before a court or the ARDC, the committee will not comment. It is important



to note that ISBA Ethics Advisory Opinions do not have the weight of law, and should not be relied upon as a substitute for individual legal advice. ISBA Ethics Advisory Opinions are located at <<http://www.isba.org/Courtsbull/EthicsOpinions/>>.

Second, you may call the ISBA Ethics InfoLine and speak to an ethics advisory attorney in Springfield at 217-525-1760 or 800-252-8908 or in Chicago at 312-726-8775 or 800-678-4009.

The Illinois Attorney Registration and Disciplinary Commission also provides an ethics inquiry program for attorneys. Assistance can be reached by calling 312-565-2600 or 800-826-8625. Like help from the ISBA, the ARDC does not provide legal advice or binding opinions. Additional information on this service may be found at <<http://www.iardc.org/ethics.html>>.



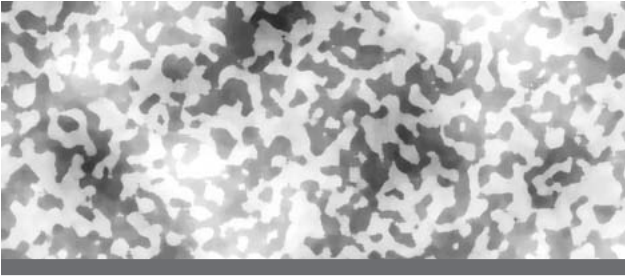
## **YOU WILL HARVEST WHAT YOU SOW—OTHERWISE KNOWN AS “CLIENT DEVELOPMENT”**

The practice of law is becoming increasingly competitive. Billable hours and the ability to develop clients or become a “rainmaker” are of growing importance. No longer does a law degree guarantee that lawyers will enter a law firm and automatically be made a partner seven to eight years later. No longer does a law degree guarantee financial success, or even a job.

Each passing year the population of lawyers in our country grows. Thus, it is never too early to at least be aware of the importance of developing clients along with developing the skills that will help you become successful at it. Successful lawyering and a successful practice depends not only on good legal skills, but also on good people skills and good marketing. Client development is a fact of life for even the most established lawyers and the firms.

Early on, learn how to market yourself and your firm. 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 might be best for you to support the client development efforts of others in your firm.

Many attorneys, both associates and partners, get nervous by the very thought of “marketing.” However, it does not have to be an intimidating task. In fact, it can be fun. One way of making it more enjoyable is to simply place yourself in situations with potential clients that you enjoy. Pick something you like to do. Even involvement in sports or in your hobby can potentially be beneficial to



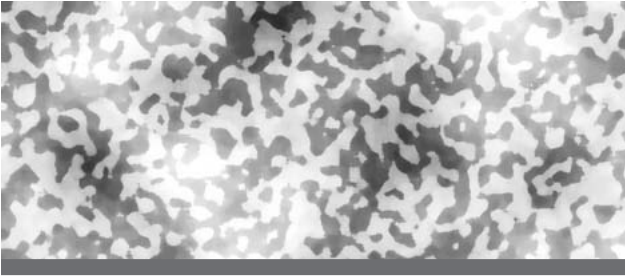
your long-term success in marketing yourself. In moderation, these types of activities will prove beneficial on both a personal and professional level.

In addition, to increase your exposure, you may want to join community or civic organizations such as the local Chamber of Commerce. Such organizations will benefit from your involvement and you get a chance to meet potential clients. Volunteering, joining alumni groups, political involvement, and church groups are other ways to give something back to the community. It also allows you to meet and associate with persons who are not attorneys, and allows them a chance to get to know you outside of your work environment. Your relationships with leaders in non-law related fields can be a big help in becoming a successful rainmaker.

Keep in mind that industry organizations, committees or study groups can often serve as referral networks. You may also want to join one or more of the national or local bar associations located in your area. Many of these groups are populated by well-established attorneys in their fields. Such memberships, particularly when coupled with active work with a bar section or committee, will allow you to meet other lawyers who can act as mentors, provide valuable advice, and who may refer work to you.

When persons or companies need an attorney for a particular problem, they go to their own attorney, or to a friend or member of their family who is an attorney. Being exposed to a large number of attorneys and having a hard-working, ethical reputation increases the likelihood that it will be you that these other attorneys refer when they need someone who practices in your field.

But don't put pressure on yourself to land a huge client or become a rainmaker overnight. You are unlikely to land a lucrative client immediately. Exposure is the key to client development. Take the time to meet people.



Develop a good reputation. Everyone you meet is a potential client or source of referral, including opposing counsel. Hand out your business cards and be prepared to recommend your firm's services when the appropriate opportunity presents itself.

Of course, don't view the people you meet as clients first. Rather, step back and begin to think of meeting people as a chance to improve your communication skills and to develop friendships and connections within the business world based on common interests.

It is also very important, in a polite way that fits your style, to learn to keep in touch. This can be done by periodically scheduling lunches with business people you meet, corresponding with them during holidays, sending a periodic e-mail, and/or forwarding newspaper clippings concerning mutual topics of interest. It can be 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, these people will remember you, your area of practice, and your law firm. At that point you are no longer a stranger, but a person with whom they have created a level of comfort.

Finally, there is no substitute for hard work. Treat every case like it is your most important case, and every client like they are your most important one. That approach, along with an eye on effective marketing techniques, should ensure success at client development in the years to come.



## **GIVE A LITTLE, OR A LOT— BUT GIVE: PUBLIC SERVICE AND PRO BONO**

Despite your busy schedule, take the time to get involved with pro bono or public service projects. Lawyers have a duty to contribute to their community, and these opportunities can be rewarding both professionally and personally.

Always check with your firm before accepting pro bono matters. If a corporation or governmental body employs you, there may be policies on accepting pro bono work. You must be mindful of ethical obligations to provide competent and zealous representation to your clients, so be sure that the matters in which you agree to provide representation are of the nature that you can handle and are acceptable to your employer.

Pro bono opportunities await you from a number of different sources—your own firm, agencies, legal assistance organizations, local bar associations, or other community groups. Choose the one that is right for you and expand your horizons.

Remember that you don't always have to contribute in your capacity as an attorney. Public service work through charitable organizations or other organized public service projects can also be quite rewarding. Just as you have found mentors throughout your life, a number of youths may also be in need of mentors.

Find a local agency or school where you can volunteer your time. Assist local schools as a coach or judge for mock trial competitions. Many children can learn from your example. If working with young people is not your strength, volunteer with a local non-profit organization or other organized public service project. As a leader in your community, you can give back not just of your legal skills, but also of your personal strengths and talents.



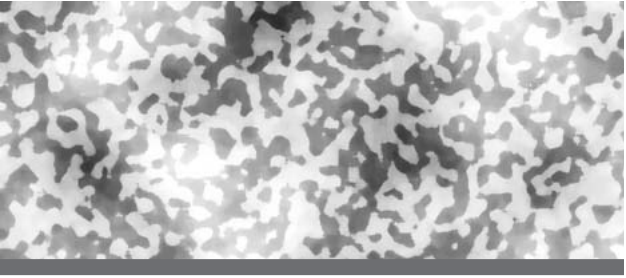
## **THE PARTICULAR ADVANTAGES (YES, THERE ARE SOME) OF GOVERNMENT EMPLOYMENT**

Many new attorneys seek employment by the government after graduation. Among the types of governmental agencies that new attorneys work for are prosecutor's offices, the office of the public defender, the public guardian, or one of the many state, federal, or municipal administrative agencies. These organizations allow the young attorney an excellent opportunity to gain valuable experience, often providing the attorney with more autonomy and responsibilities than their counterparts receive in larger firms.

Government employment is also a great way to build your reputation, become exposed to a variety of issues, and to establish a network of contacts. Additionally, young attorneys who are employed by the government, in particular those who work for a prosecutor's office or for the public defender's office, gain invaluable experience in the courtroom, spending far more time litigating than do young attorneys in larger firms.

Attorneys employed by the government typically have a large caseload and keeping up with the work is critical. Otherwise, you'll end up with an unmanageable number of last minute emergencies. Additionally, government attorneys are usually working hand-in-hand with other agencies. If one link fails to produce, the system as a whole is damaged. There's no quicker way to establish a bad reputation than by consistently failing to be prepared.

Very often, the issues and challenges facing a new government attorney have been dealt with before by others, often attorneys working for the same organization. Seek out help. Governmental agencies tend to have veteran attorneys who are potentially great mentors—or who will at least offer assistance.



Unlike the attorney working for a firm, most attorneys who work for governmental agencies do not have to keep track of billable hours. This should never be perceived as a reason to work less or to be less organized. In many cases, due to the large caseload, there is some pressure to quickly move cases through the system. The effective attorney is one who thoroughly familiarizes themselves with each file and each case. But that works only if the attorney is organized and maximizes effective use of time.

Each case should be treated as if it is the most important case in that attorney's caseload. Many an attorney has had a case with which they were not completely familiar slip through the cracks—and then come back to haunt them. Furthermore, a government attorney frequently faces last minute tasks, deadlines, and shifts of priority. If the attorney is up to date, they can more easily handle the sudden surge in workload. Be organized and establish a reputation for being prepared and thorough.

Some types of government employment are often marked by frequent changes in assignments and duties, which can also mean that others may be handling and completing tasks and cases begun by you, and vice versa. Thus, it is important to keep accurate files, notes, and records, so that others can be prepared to handle your files on short notice.

Government attorneys often come into contact with many different people, including staff from other governmental agencies, other attorneys, courtroom personnel, and judges. Take the time to get to know these people, if possible. Be diplomatic. As always, establishing good relationships can make the job noticeably less difficult and more enjoyable. It's quite possible to be a very effective advocate for the interests a client or an agency without making the battles personal.

Above all, always be ethical. Governmental agencies will familiarize employees with the rules and typical ethical problems. Nothing is ever worth jeopardizing your reputation, values, and livelihood for.





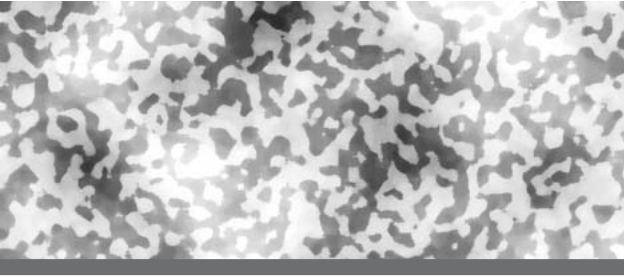
## TAKING CARE OF YOURSELF IS IMPORTANT, TOO

All those years of hard work and determination have paid off. You have graduated from law school, passed the bar exam, and have been sworn in to the Illinois bar. The good news is that you have proven to yourself and to others that you have the ability to be an attorney. The bad news is that it does not get any easier.

The profession you have chosen is one marked by stress, long hours, work-filled weekends, and difficult, challenging work. Many recent law school graduates are enthusiastic about their new positions and are willing to put in the hard work necessary to move up within their organizations. Perhaps the most important key to long-term success, however, is to take care of the person who got you where you are: Yourself.

You only get one life to live and one body to maintain. In the legal profession, stress is unavoidable. The long hours, difficult work, family demands, along with interacting with clients, superiors, and co-workers all guarantee it. Stress management plus maintaining balance and perspective are the key to physical and emotional stability. Here are some suggestions for taking care of yourself:

- **Take your vacation time.** Everyone needs time to revitalize. Whether you take a trip or relax at home, use your vacation time. No one benefits, including your employer, your client, those close to you, or yourself, if you cannot concentrate due to stress.
- **Pace yourself.** The life of a lawyer differs from the life of a law student in terms of pace and



intensity. There is no spring break or summer vacation on the job. While many law students follow intense periods of studying for final exams with extended vacation time, the work schedule of a lawyer rarely allow that. Therefore, it is imperative to maintain a steady and consistent work rate throughout the year. Taking care of the day-to-day business will minimize those inevitable last minute emergencies and allow you to shift focus when the need arises.

- ***Maintain your friendships with “non-lawyer” friends and relationships with your family.*** Almost everyone’s family provided emotional support before they became attorneys. Almost everyone has had non-attorney friends both before they went to law school and during their law school years. These people are very important in our lives. Continue to spend time with family and draw support from them. Contrary to what every over-worked attorney will think at one time or another, there exists a world outside the world of law. You can’t talk and think about the law and your job every waking moment—or you certainly shouldn’t. Maintaining family ties and friendships enables you to keep your perspective.
- ***Spend time with your spouse or significant other.*** If you have one or the other, make sure to spend enough time with them. Because this person cares for you, and because of the special relationship that exists between you, this person may be willing to tolerate your busy schedule. Do not, however, take advantage. Even in the



busiest of times, don't be neglectful. The hard work that brought you to this point should now allow the two of you to enjoy your relationship together.

- ***Treat your body right.*** In order to promote your mental and physical health, you need to treat your body right. This includes exercising, getting enough sleep, and eating right. A regular exercise program helps relieve stress, boosts self-confidence, maintains appearance, and most importantly, makes for a healthier you. Even on those days you can't get a full workout in, a walk provides exercise and helps clear the mind. And, you can't function over a long period of time without sufficient, regular sleep. Finally, you need to watch what you put into your body as well. The long hours of work should not prevent you from eating right. Don't skip meals or rely on fast food.

Largely through your own efforts, you have succeeded. Now, taking care of yourself and maintaining a healthy lifestyle is key to continued success, not to mention prosperity and happiness. Hard work and long productive hours may be necessary, but not at the neglect of your mental and physical wellbeing.

One last time: Take time to rest. Get enough sleep. Enjoy your vacations and days off. Make sure to spend time with those important to you. Eat right. Exercise.

There lies the path to a long rewarding career and—A Life.

## ADVICE FROM A MALPRACTICE PREVENTION GURU

**T**he following two articles were written by Karen Erger and appeared, respectively, in the November 2001 and October 2002 *Illinois Bar Journal*.

Karen is a former vice president and director of loss prevention at the ISBA Mutual Insurance Company in Chicago. She now works with Homes, Murphy & Associates in Cedar Rapids, Iowa.

Prior to her association with the ISBA Mutual, she spent several years in private practice defending professional liability actions as panel counsel for many major insurance carriers and is a former insurance company claims supervisor and insurance agent. She received her B.A. and her law degree from the University of Chicago.



## HOW TO SPOT THE CLIENT FROM HELL

By Karen Erger

*Wake up and smell the brimstone – it's time you learned how to identify the prospective clients you need to turn away.*

**T**his article is *not* about “client selection.” That phrase conjures up an image of a prosperous lawyer relaxing at his or her desk, reviewing a long list of prospective clients and picking only the pleasant, solvent ones with interesting legal matters. For most lawyers, reality is otherwise.

Instead, this article concerns client *rejection*: the practical necessity of turning away a few prospective “clients from hell” who are likely to wreak havoc on your sanity, your practice, and your claims history.<sup>1</sup> Consider the following scenarios.

### **Pleased to meet you...won't you guess my name?**

**Scenario #1.** At 4:30 on a Friday afternoon, a desperate prospective client presents himself at Jane Smart's office. He tells Jane that his three previous attorneys overcharged him and then abandoned him. This case means everything to the client, and the time to file suit is running short. Jane drops everything and rushes to help. By any standard, Jane pulls off a miraculous result.

Jane gets stiffed for her fees and sued by the client.

**Scenario #2.** Joe Average agrees to represent a long-time client and turns in an adequate – but not stellar – performance. The outcome is less than wonderful.

Joe gets a fruit basket, a nice note, and full payment from the client.

### **Learning to smell the brimstone**

As Jane Smart discovered, brilliant legal work alone does not insulate you from claims – and does not ensure payment of your fees, either. There are some clients who will *never* be satisfied with your services. They are predisposed to stiff you and sue you, regardless of the outcome of their legal matters. You might call them clients from hell.



Early identification of these difficult clients is the key. In the scenario above, Jane’s client exhibited many warning signs. In this article, I’ve provided a “field guide” to some common clients from hell to assist you in identifying them. With practice, you can smell the brimstone early on and take appropriate steps to avoid claims.

Obviously, the easiest way to avoid a claim from a client from hell is to decline the representation. For most lawyers, this does not mean turning away many clients – perhaps one or two a year. It’s simply not worth the risk to your reputation, your practice, your finances, or your mental health to represent a client who will never be happy with your work. Rejecting the client from hell enables you to focus your

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*“By identifying potential clients from hell in advance, you can make good decisions about representing them and take appropriate measures if you decide to do so.”*

practice on the clients – like Joe Average’s client in the above scenario – who understand that every case is not a winner and that you can’t be a miracle worker all the time.

There may be times, however, when you cannot resist the temptation to represent a client from hell. Again, early identification is key, because it will enable you to take appropriate precautionary measures to minimize the likelihood of a claim. In this article, we’ll review some strategies for avoiding claims when you deal with difficult clients.

### **A field guide to clients from hell**

The following profiles will help you spot potential clients from hell, but there is no substitute for your gut feeling. Experienced lawyers often develop excellent instincts about prospective clients. Too often, they second-guess those instincts. Claims reports are often prefaced with the statement, “I had a bad feeling about this from the beginning.” Trust the “bad feeling.” It is usually correct.

**1. The Shopper.** The Shopper has consulted with several other attorneys about his legal matter before coming to you. Before you decide to represent him, you’ll want to find out why those previous relationships didn’t work out. Is he difficult to work with? Did he refuse to pay? If a number of lawyers have refused to represent him, is that because his legal position lacks merit?

There are legitimate reasons for a client to change lawyers. Perhaps, in fact, prior counsel has mishandled the



matter. In that case, be aware that by accepting the representation, you may be assuming liability for errors made by prior counsel. Note, too, that you have a duty to mitigate those errors. Your client may be unwilling (or unable) to pay you for your efforts to repair legal work for which he has already paid once.

Be sensitive, too, to the possibility that this once-burned client will be twice shy when dealing with you. If so, you will need to take special care to establish a relationship of trust.

**2. *The Pennypincher.*** Clients have a legitimate interest in the cost of your services. The Pennypincher, though, is obsessed. You get the idea that she resents paying anything at all. Perhaps even more worrisome is the Pennypincher's evil twin – the client who seems completely uninterested in the fees and costs associated with her legal matter. You wonder if she takes her financial obligations seriously.

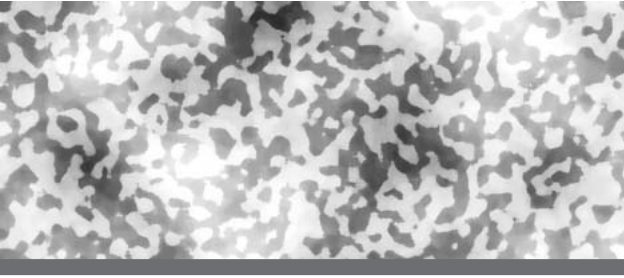
The risk here isn't just that you won't get paid – although that is bad enough. These clients are likely to bring a malpractice claim the moment you press them for fees.

There may be circumstances when you will want to take a matter without regard to the client's ability to pay. This is laudable, and, indeed, is part of an attorney's obligation to the legal profession. See Preamble, Illinois Rules of Professional Conduct. The key, however, is to decide *up front* whether you will perform your legal services on a pro bono basis. If not, and the client is unwilling or unable to pay your fees, decline the representation.

**3. *Mr. Great Expectations.*** This client has unreasonable expectations, either about the outcome of the legal matter or the time needed to achieve the result. For example, a plaintiff in a simple slip and fall case has read about huge jury verdicts and expects a million-dollar recovery. Or the defendant in a civil suit expects the case to proceed to trial in a month.

You must decide whether you can educate Mr. Great Expectations about the realistic prospects for his legal matter and the time necessary to achieve the desired outcome. If not, it is unlikely that your work will ever satisfy this client. Expect a malpractice claim – not a fruit basket – from him.

**4. *Ms. Eleventh Hour.*** Most commonly seen in your office a few minutes before the end of the business day, this client has a deal that “must” be completed tomorrow. Alternatively, she will often appear immediately before the applicable statute of limitations will run.



Most lawyers are in this profession because they want to help others. Before you ride to the rescue, however, consider that you have a duty to provide your clients with competent representation. Can you do that in the time available to you? If not, don't agree to represent Ms. Eleventh Hour.

If you decide to proceed, proper documentation of the scope of your services is essential. The client who comes to you with the eleventh-hour deal and tells you not to bother to evaluate it – “just paper the deal” – will not remember that instruction when the deal turns sour. An engagement letter that clearly delineates the scope of your services is essential.

**5. *The Missionary.*** This client from hell is on a mission. Sometimes it's a noble mission – the selfless pursuit of a lofty principle. Sometimes it's a deadly mission – the client is out for blood and wants to annihilate the opposition. The problem in either case is that nothing short of total victory will satisfy the Missionary. Unfortunately, this is not always possible. Typically, too, the Missionary seeks victory “at any cost” – at least, until your bill arrives.

**6. *The Dirtball.*** If they made a movie about the Dirtball, it would be called *Sleazy Client, Hidden Lawsuit*. Unfortunately, if you represent a morally questionable and financially unstable client in a business venture, you may be tagged as a co-conspirator when your client's misdeeds come to light. If something doesn't “smell right” about your prospective client, his deal, or his finances, you owe it to yourself and your practice to check it out before you accept this representation.

**7. *Counsel's Li'l Helper.*** This client – or his lawyer friend or relative – has researched the issues involved in his legal matter prior to consulting you. He's second-guessing you even before you agree to represent him. He might hint that his research should result in a reduced legal fee – after all, he's done some of the work for you, right?

If your client or his lawyer buddy will be backseat driving throughout the representation, the groundwork is laid for an unsatisfactory lawyer-client relationship. Think long and hard about this representation.

**8. *Member of the “Frequent Lawsuit Club.”*** To hear this client tell it, she's not the client *from* hell, but the client *in* hell – the victim of all sorts of wrongdoing. She has been a plaintiff in various lawsuits for as long as she can remember.





You decide: Is the client truly on a bad-luck streak and in need of your help, or is she perpetually dissatisfied and seeking vengeance for real and imagined wrongs? If the latter, don't be the next defendant on this client from hell's hit list.

**9. Dr. Strangeclient.** Everyone has quirks, but this client is off the dial. His bizarre, erratic behavior makes it difficult for you to understand or effectively communicate with him. You get the sense that he's living in an X-Files episode, with a bizarre conspiracy theory that explains it all.

You must ask yourself whether you can work with this client. If you can't competently represent him, decline the representation.

**10. Your Nearest and Dearest.** Friends and family can be clients from hell. Don't assume that Aunt Betty won't sue you for legal malpractice. It happens.

Resist the temptation to take a matter outside your legal expertise for a friend or family member. Ask yourself if you would accept the representation if the client were a stranger. If not, you will need to decline the representation. It can be tough (and humbling) to explain to Aunt Betty that you are a litigator, and you don't know the first thing about drafting her will. But it is professional and proper for you to decline a matter if you can't provide your client with competent representation.

If you do decide to represent your nearest and dearest, be sure to follow all of your normal office procedures. Run a conflicts check, docket important dates, calendar the file for regular review, follow your normal billing procedures. Treat it like a "real matter" – because it is.

### **Resisting temptation**

Suppose you've smelled the brimstone and decided not to represent the client from hell. Be sure to send the would-be client an "I'm Not Your Lawyer" letter. As an additional precaution, you may want to send the letter by certified mail, to verify that it was received. This will come in handy later on if the client resurfaces after the statute of limitations has run.

### **The road to hell – what to pack for your trip**

If you decide to represent a potential client from hell, you will need to take special precautions to minimize the likelihood of a malpractice claim.



***Set realistic expectations.*** Remember why this is a client from hell. He is predisposed to be less than satisfied with your legal services. Make it your mission to set realistic expectations throughout the representation so disappointment is less likely.

In your initial consultation, listen carefully and identify the client's goals. If they are unrealistic, now is the time to say so loudly and clearly. As the matter progresses, continue to identify and communicate weaknesses in your client's case. Throughout the representation, you must deliver the bad news "early and often" if you are to avoid a dissatisfied, unhappy client.

***Use a written engagement letter.*** Your engagement letter is not just your first line of defense in a malpractice action – it is also part of the expectation-setting process. It communicates to your client the scope of your services, your client's responsibilities, and the manner in which you expect to be compensated for your services. Review the letter with the client to be sure that you have resolved any misunderstandings. (For more, see "Engagement Letters Can Reduce Malpractice Claims" at page 99 in the February '96 *Journal*.)

***Communicate constantly.*** Provide the client from hell with written communication on all aspects of the representation. Don't forget to copy the client on all pleadings and correspondence.

You may be tempted to procrastinate on the client from hell's matter. No one likes to deal with difficult clients. Of course, this is one matter that you must keep abreast of. Assign mandatory file review dates and stick to them. Even if nothing is happening on the matter, communicate that fact. Demonstrate that you care about the matter and are paying attention to it.

***Document client decisions.*** It is essential to document the client from hell's informed consent on all major decisions in the representation. This is particularly important if your client decides not to follow your advice. Documenting the client's decisions prevents "he said/she said" problems later, and may also cause your client to rethink her decision to disregard your legal advice.

***Continuous risk assessment is key.*** Throughout the representation, be sensitive to the possibility that you may need to withdraw. Monitor your relationship with the client constantly.



## Getting your due from the devil

Fee disputes with clients frequently result in malpractice claims, but this risk is heightened when you're dealing with the client from hell. To minimize fee disputes, observe the Ten Commandments of Billing:

**1. Use Written Fee Agreements.** Your engagement letter reminds your client that you expect to be paid for your services and spells out your agreement with respect to those fees.

**2. Take a Retainer.** Consider taking a retainer for your services if you suspect that payment may be a problem.

**3. Bill on a Monthly Basis.** Regular bills – even if your client is not paying them – remind the client that you are performing work for which you expect to be paid. Sending monthly bills avoids the shock to your client's budget that a larger, less-frequent bill might cause.

**4. Send Detailed Billing Statements.** Your detailed bill is part of your communications strategy with your client. Let your client know what you are doing to earn your fee.

**5. Make Daily Time Entries.** It is impossible to provide detailed billing statements if you don't record your time as you work. You simply can't remember, in detail, what you did for which client a week ago. Errors and omissions on your bills are the inevitable result.

**6. Proofread Bills.** If your client spots errors on the bill, she will wonder whether you are making mistakes in other aspects of the representation as well.

**7. Review Delinquent Accounts Monthly.** Your client's failure to pay is a red flag that must be heeded. It can denote anything from dissatisfaction with your work to a lack of funds. If you discover the problem early, you maximize your chance of resolving it effectively.

**8. Take Prompt Action on Accounts in Arrears.** Send your client a letter addressing the payment situation, or, if appropriate, schedule a face-to-face meeting with the client to address the payment issue. If your client is unhappy with your work, you need to know that. If your client is having payment problems, you can attempt to address that situation with a payment plan, if appropriate.

**9. Do Not Sue for Fees.** As pointed out above, fee disputes are a fertile source of claims.



**10. If You Ignore #9, Be Careful.** If you're thinking about suing for fees despite the risk, proceed with extreme caution. First, evaluate the matter from the vantage point of a plaintiff's lawyer trying to make a malpractice case against you. Did your client achieve a good result? While you can't always (maybe not ever) control the outcome, a good one makes it much harder for your client to make a successful malpractice counterclaim. Is your work subject to attack? This question relates both to the actual work and to your file documentation. No one is perfect all the time. But the less perfect the work reflected by your file, the harder you will need to think about filing suit.

Finally, remember that you can't get blood from a stone. Consider whether your client will be able to pay a judgment if you prevail on your fee claim. If not, forget it.

If you're going to bring that fee suit come hell or high water, don't represent yourself. Hiring outside counsel sends the message that you are serious about collecting your fee. An additional benefit: outside counsel can be dispassionate about the suit when you cannot. If you spent many hours laboring with a difficult client only to get stiffed for fees, it's going to be tough for you to make rational decisions about the fee suit.

### **Out with the bad, in with the good**

Avoiding clients who are unlikely to be satisfied with your legal services will enable you to focus your practice on the clients whom you can effectively and satisfactorily represent. By identifying potential clients from hell in advance, you can make good decisions about accepting representations from these clients and take appropriate risk management measures if you decide to represent them.

The goal is fewer claims – and, maybe, more fruit baskets.

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1. **DISCLAIMER:** (What do you expect from someone who has reviewed as many malpractice claims as yours truly?) This material includes loss prevention techniques designed to reduce the likelihood of being sued for legal malpractice. It is not the intent of these materials to suggest or establish practice standards or standards of care applicable to a lawyer's performance in any given situation. Rather, the sole purpose of these materials is to assist lawyers in avoiding legal malpractice claims, including meritless and frivolous claims. To that end, the intention is to advise lawyers to conduct their practice in a manner that is well above the accepted norm and standards of care established by substantive legal malpractice law. The recommendations contained in these materials are not necessarily appropriate for every lawyer or law firm and do not represent a complete analysis of each topic.



## TEN EASY THINGS NEW LAWYERS CAN DO TO MESS UP THEIR CAREERS

*By Karen Erger*

*A career is a terrible thing to waste – but if you insist, here’s how to do it.*

*October is a fine and dangerous season in America.... a wonderful time to begin anything at all.*

*– Thomas Merton<sup>1</sup>*

**A**s another October begins, and another class of lawyers prepares to take their oaths, it’s time for some tips about malpractice avoidance for new lawyers. Here are 10 easy steps toward claims, ARDC beefs, and general career havoc:

### **1. Practice with jerks**

*Choose your companions from the best; Who draws a bucket with the rest Soon topples down the hill. – William Butler Yeats<sup>2</sup>*

Think about your first lawyer job as the next phase in your legal education – because it is. Here you will learn not just your area(s) of expertise, but also how to handle clients, how to organize your time, how to get paid for your work. Just as you picked the best law school you could afford, pick the best lawyers or firm you can to mentor you in this critical phase of your development – even if this means less money. The good habits you learn will last a lifetime, while bad habits, once learned, are not easily changed.

Because learning from others is much easier than figuring things out yourself, don’t start your solo practice right out of law school. Learn from a seasoned lawyer for a while, even if it pays peanuts.

Watch out for lawyers and firms with a “cowboy” culture, who encourage you to act like you know it all and discourage you from asking questions or admitting that you need help. The only thing you will learn there is how to hide your errors. This brings us to Mistake #2.



## 2. Lie about and hide mistakes

*Mistakes are a fact of life. It is the response to error that counts.* – Nikki Giovanni<sup>3</sup>

A cautionary tale: Bright New Lawyer discovers that she has made a ghastly mistake. After many sleepless nights, New Lawyer hatches a plot to cover up the error, or to “fix” it secretly by unethical means. Sooner or later, the truth comes out and – surprise! The mistake could have been fixed if it had come to light right away. Or, the mistake wasn’t a mistake *at all* – but the unethical “fix” lands the lawyer in a world of hurt with her firm, its malpractice carrier, and the ARDC.

Mistakes happen. When they do, get help *right away* from a more experienced colleague in your firm. If you have ideas about how to solve the problem, so much the better, but don’t procrastinate, hoping the magic solution will come to you. Call upon the expertise of the lawyers around you. Maybe the problem is not a problem after all. Even if it is, there may be a remedy you have not considered.

Suppose the worst: You have, indeed, made a grievous error, for which there is no cure. At least your firm will know that you were on top of the situation *and* resisted the temptation to lie or cover up.

By the way, the manner in which your colleagues handle your mistakes should give *you* a pretty good idea about whether this is a firm in which you want to practice for the rest of your lawyer-life.

## 3. Be a jack of all trades

*Be not a jack of all trades, but a master of one.*<sup>4</sup>

By all means, explore the different areas of practice. Your ultimate goal, though, should be to find one or two on which you will focus.

It’s getting harder all the time to be a “general practitioner” and keep up with changes in many different fields of law. Malpractice carriers see plenty of claims involving lawyers who dabble in unfamiliar practice areas. Many lawyers think that anyone can do a simple divorce/closing/whatever. Even if this were true, dabblers lack the



experience to know if a matter is truly “simple” or requires greater expertise.

Concentrating your practice will help you market your services. Your special knowledge makes you stand out from the crowd, whether you are bucking for partner at a firm or trying to attract clients.

Finally, it’s just more fun to practice if you don’t have to invent the wheel every day. You can concentrate on learning the finer points of your special practice areas and improving all the time.

#### **4. Fail to set appropriate expectations**

*Ah! Let not hope prevail, lest disappointment follow.<sup>5</sup>*

You can do a technically brilliant job and still end up with an unhappy client – claims people see it all the time.

Even the finest legal work in the world can result in a malpractice claim if you fail to meet the *client’s* goals. When you first meet your client, let him do the talking, so you can learn what his expectations are. Beware the client who wants miracles from you, blood from the other party, or some combination of the two. If you can’t adjust the client’s expectations to something more realistic, you may have to turn the client away – or recommend that the firm do so.

Don’t set yourself up for failure with off-the-cuff predictions about that outcome of the matter, or the time and cost necessary to achieve it. Once you say that the matter will be dismissed on summary judgment, take six months, or cost the client \$5,000, the client will be disappointed with anything less. If you must give estimates, do so thoughtfully and conservatively. Don’t come on like Super Lawyer – chances are that you can’t leap that tall building in a single bound.

Do explain the legal process to your client, including all of the steps involved: “We’ll start by filing a complaint, and then the other side will have 28 days to respond...” Encourage your client to ask questions.

Throughout the representation, set appropriate expectations for your client. When bad things happen, give the



client the news “early and often.” Doing so is required by the Rules of Professional Conduct – see, e.g., Rule 1.4 – but it also tells your client that you’re honest, and makes it less likely that the client will be shocked by a sub-optimal outcome.

## **5. Allow a communication breakdown**

*What we’ve got here is a failure to communicate.*<sup>6</sup>

Some lawyers think of letters confirming client instructions as weaselly, time-wasting CYA letters. In fact, they *are* CYA letters – they Confirm Your Assignment. They enable your client to make informed decisions about the matter, and they ensure that you are implementing the client’s wishes.<sup>7</sup> And, yes, they are also essential to defending malpractice claims. According to a recent study, more than 15 percent of all malpractice claims arise from a lawyer’s alleged failure to obtain consent or to follow instructions.

Accordingly, make it your habit to confirm major client decisions in writing. Suppose you and your client agree that you will pursue her workers’ compensation claim, but forego a potential products liability claim because it seems unlikely to succeed. After the statute of limitations runs, however, your client sues you for malpractice, alleging that you failed to file the products claim. Had you written a confirming letter, you not only would have been able to mount a successful defense, but you probably would have avoided the claim in the first place.

If a client’s decision is against her best interests, or against your advice, be *extra* sure to document it with a letter. Say your divorce client rejects your advice to obtain a valuation of his wife’s business. “That costs too much, and besides, I trust her.” A year after the divorce, when he sees her driving around town in a Land Rover while he is living on mac ‘n’ cheese, it might be tough for him to remember that instruction. Moreover, your letter might cause him to reconsider his original decision. For some people, it’s not real if it’s not in black and white.

And of course, be sure to document all settlement offers and demands, and the client’s response. In the “heat of battle” at a settlement conference, you can’t send a letter, but you can write the offer or demand on a piece of paper and





have your client sign it. At least, write the client a letter when you get back to the office.

## **6. Forget to share the love**

*Be good...and let who will be clever. – Charles Kingsley<sup>8</sup>*

The days of blind grading are over. It's not enough just to do good legal work – you must let your clients know you care about them and their matters. In fact, studies show that clients want a caring lawyer – even more than they want a brilliant one.

Don't let your client wonder if you are neglecting her matter. Copy her on every piece of correspondence and all pleadings. Consider getting a stamp that says: "For your information only – no response required." That way, you won't even need to draft a cover letter for "FYI" copies. Calendar regular status reports to your client, even if – *especially* if – nothing is happening in the matter.

It should go without saying, but I'll say it anyway: Return client calls promptly. Many claims and disciplinary complaints can be traced back to a lawyer's failure to return calls. If you can't call the client within 24 hours (at most), have your secretary return the call to advise when you will be available and to find out if immediate action is necessary.

Note: If you have yet to meet a single client, re-read the above section, substituting the word "partner" for the word "client." Their expectations are very similar.

## **7. Fail to "show your work"**

*We can lick gravity, but sometimes the paperwork is overwhelming.*

*– Wernher von Braun<sup>9</sup>*

As math students, many of us worshipped the God of Partial Credit. Even if you got the wrong answer, you could get partial credit by establishing that you followed the right steps – by "showing your work." This is a useful principle for lawyers, too. Some matters will not turn out well for your clients, but if you can establish that you followed the steps that a competent lawyer would take, it will help you avoid or defeat a malpractice claim. Make sure your file "shows your work."



If you performed legal research, keep a list of citations and printouts of online searches. At a minimum, this will keep you from retracing your steps over and over again. If you're drafting contracts, retain drafts with substantive changes in the file. Note the reasons for the changes on the drafts as you go.

Make it a habit to document your telephone calls. Use your computer, use your own "telephone conference form," but use something. You'll have a record of all client telephone calls if you pick up a pen (and use it) every time you use the phone. Heck, write it on the dinky little phone slip if you must. But write it somewhere.

## **8. Ignore the bottom line**

*Time goes, you say? Ah, no! Alas, Time stays, we go.*

– Henry Austin Dobson<sup>10</sup>

Timesheets are hell, but nothing compared to the hell of trying to re-create an entire month's work on the last day of the month with a grumpy office administrator breathing down your neck. Do them every day, as you go. Here's added incentive: Studies show that lawyers who do their time every day earn 15 percent more than those who don't.

Write the description of your services just as carefully as you would write a letter to a client. For some clients, the bill is the only status report they will ever read.

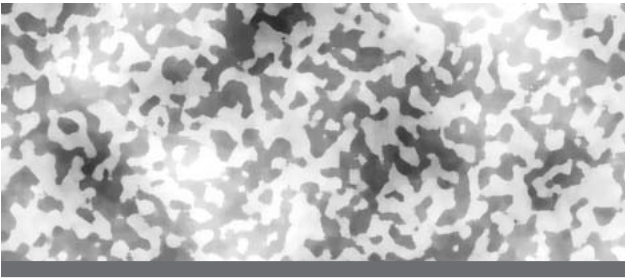
## **9. Ignore the frontline**

*Constant attention by a good nurse may be just as important as a major operation by a surgeon.*

– Dag Hammarskjöld<sup>11</sup>

When you are out of the office, with other clients, or just plain busy, your secretary is your ambassador to your clients – not to mention other lawyers at your firm. He or she can also be a valuable source of information about "how things get done" – whether it's how to get the *good* pens or how to get your reply brief filed at the last minute. Be respectful and learn all you can.

Many of the best lawyers I know have had the same secretary for a decade or more – and they are quick to acknowledge the impact that these front-line people have on their practices.



## 10. Practice in a vacuum

*One of the signs of passing youth is the birth of a sense of fellowship with other human beings as we take our place among them.*

– Virginia Woolf<sup>12</sup>

Sometimes the *last* thing you want to do with the three hours of free time you've carved out of a harried week is chum around with other lawyers. Totally understandable – but try to make time to attend bar association events.

Are you practicing with jerks? Go and meet some lawyers whose habits you'd like to emulate. Are you finding your way in a new practice area? Go to a continuing education event – you'll learn from the course *and* the lawyers you meet there. Want to find some colleagues you can call next time you have a question? You'll meet them at bar events – and don't be surprised if they start calling *you* with questions and referrals.

Law can be surprisingly isolating and lonely. Taking your place in a community of dedicated lawyers will help your practice and your psyche.

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1. Recalled on his death, 10 Dec 68. Simpson's Contemporary Quotations, compiled by James B. Simpson (1988).

2. William Butler Yeats, "To a Young Beauty."

3. Of Liberation, st. 16, *Black Feeling/Black Talk/Black Judgment* (1970).

4. Chinese proverb.

5. Wrother, *The Universal Songster, Vol ii, p 86*.

6. Donn Pearce and Stuart Rosenberg, from the movie *Cool Hand Luke* (1967). A prison correctional officer makes this statement just after administering a vicious kick to inmate Luke.

7. See Illinois Rules of Professional Conduct, 1.2(a), 1.4(b).

8. *A Farewell*.

9. Chicago *Sun Times* 10 Jul 58

10. "The Paradox of Time," st. 1, *Proverbs in Porcelain* (1877).

11. News summaries, 18 Mar 56. From Simpson's Contemporary Quotations, compiled by James B. Simpson (1988).

12. "Hours in a Library," Times Literary Supplement (London, November 30, 1916).



## **ILLINOIS STATE BAR ASSOCIATION—WE'RE HERE TO PROVIDE PROFESSIONAL SUPPORT**

The Illinois State Bar Association (ISBA) was founded in 1877, and is a voluntary membership organization that serves approximately 30,000 members throughout the state. Over the years, ISBA has been a primary force in supporting Illinois attorneys and developing Illinois law. ISBA is dedicated to promoting the interests of Illinois lawyers and improving the quality of members' professional lives. Members enjoy an array of practice resources, networking opportunities with colleagues, and many valuable member benefits, some of which are described below.

The headquarters of ISBA are located in Springfield, and the Chicago Regional Office provides a vital link between Chicagoland and other Illinois cities.

### **ILLINOIS BAR CENTER**

424 S. Second Street  
Springfield, IL 62701  
217-525-1760  
800-252-8908

### **CHICAGO REGIONAL OFFICE**

20 S. Clark Street, Suite 900  
Chicago, IL 60603  
312-726-8775  
800-678-4009

The ISBA Web site is an important resource center. Members can go to <[www.isba.org](http://www.isba.org)> and view the latest posted information and resources, including daily legal news items with links, legislative updates, electronic versions of many ISBA print publications, the best selection of Illinois research links, a link to online CLE, ISBA Ethics Advisory Opinions, discussion groups, legislative resources, details on numerous member benefit programs, and much more. We hope that ISBA will be a useful partner to you in your professional life.



## **RESOURCES AND CONTACT INFORMATION**

### **Attorney Registration and Disciplinary Commission (two offices)**

One Prudential Plaza  
130 East Randolph Drive, Suite 1500  
Chicago, IL 60601-6219  
312-565-2600 • 800-826-8625 in Illinois  
Fax: 312-565-2320

One North Old Capitol Plaza  
Suite 333  
Springfield, IL 60701-1625  
217-522-6838 • 800-252-8048 in Illinois  
Fax: 217-522-2417  
[www.iardc.org](http://www.iardc.org)

**Illinois General Assembly  
& Illinois Compiled Statutes**  
<http://www.legis.state.il.us/>

**Illinois Lawyers Trust Fund**  
<http://www.ltf.org/>

**Illinois Supreme Court**  
<http://www.state.il.us/court/>

**Secretary of State**  
<http://www.sos.state.il.us/>

**Seventh Circuit Court of Appeals**  
<http://www.ca7.uscourts.gov/>

**State of Illinois**  
<http://www.illinois.gov/>

**Supreme Court of the United States**  
<http://www.supremecourtus.gov/>



## **THE ISBA MUTUAL INSURANCE COMPANY— A BENEFIT OF MEMBERSHIP**

The Illinois State Bar Association strongly endorses the lawyers' professional liability insurance offered by the ISBA Mutual Insurance Company. In fact, the Mutual's insurance is available **ONLY** to Illinois State Bar Association members.

Fifteen years ago, ISBA members founded the ISBA Mutual to provide a stable, affordable, high-quality source of lawyers' professional liability insurance. Today, the Mutual is a market leader with expert claims service and innovative loss prevention programs focused on Illinois lawyers. ISBA Mutual's financial strength and stability earned a rating of A- from the A.M. Best company.

The Mutual offers valuable benefits such as:

- Aggressive claims handling to provide you with the best defense
- Trained legal experts on call to answer your questions
- Comprehensive loss prevention programs
- Coverage to sole practitioners, small and large firms
- Flexible payment terms and ARDC coverage
- Policy limits from \$100,000 to \$20 million

The ISBA Mutual is the only Illinois professional liability insurance company run by and for the benefit of attorneys. Every member of the Board of Directors is a practicing Illinois lawyer and an ISBA member policyholder.

For more information, contact the ISBA Mutual Insurance Company at: 800-473-4722 or 312-379-2000.

## FINAL WORDS AND ACKNOWLEDGEMENTS

The Illinois State Bar Association wishes you much success as you embark on your legal career. Please remember that we are here to assist you by providing support through ethics assistance, legislative representation, case updates, and numerous member benefits. If you have questions regarding your ISBA membership, please do not hesitate to contact us at 800-252-8908.

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**ILLINOIS STATE  
BAR ASSOCIATION**

**Your Partner in the Profession**

