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5 Things Every Lawyer Should Know About Intellectual Property

BY KENNETH MATUSZEWSKI

Comprising over 35 percent of the United States economy,[1] intellectual property is one of the fastest growing areas of the law. Despite its rapid growth rate, the number of attorneys practicing in this area is small, especially in patent law.[2] As a result, every lawyer should have some basic knowledge about intellectual property, in order to best help their clients. The five tips below will serve as an effective primer and starting point.

What Is Intellectual Property?

Intellectual property, according to the World Intellectual Property Organization

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Career Services Offices and the Young Practitioner

BY MATTHEW V. CHIMIENTI

Navigating the legal career landscape can be intimidating for a young lawyer. Whether you're looking to change jobs, transition into a different area of practice, or set out to hang your own shingle, it might seem natural to scour the internet for job listings or tap into your personal network of other practitioners for advice. However, there's an often-overlooked resource available: your law school's career services office. Many of our Illinois law schools want their alums to know: the idea that career services offices are *just* for law students simply is a myth.

Career services offices offer a wide range of services designed to aid alums in all stages of their careers. "We often meet with alumni who are wishing to transition from one job to another or who have been out of the workforce but are hoping to re-enter it and need direction and

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5 Things Every Lawyer Should Know About Intellectual Property

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("WIPO"), includes "creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce."[3] In other words, creating intellectual property requires careful thought and consideration. An idea by itself cannot be protected by intellectual property.

In the United States, patents and copyrights originate in the Intellectual Property Clause of the Constitution.[4] Strangely enough, trademarks are not included in this Clause. Rather, they can be found in the Commerce Clause and the Lanham Act.[5]

Types of Intellectual Property

The above definition of intellectual property broadly protects mental creations. Specifically, there are three subcategories of intellectual property that attorneys should consider when evaluating intellectual property issues.

Patent

Simply put, patents protect inventions. Utility patents protect new or improved products, processes or machines.[6] Design patents, on the other hand, allow people to protect the way their product or invention looks. Utility patents will last for 20 years, while design patents are valid for either 14 years, if the design patent application was filed before May 13, 2015, or 15 years, if the design patent application was filed on or after May 13, 2015.[7]

Trademark

Trademarks act as a source identifier, and help consumers distinguish between different types of goods or services, such as McDonald's from Burger King. Unlike patents and copyrights, there is no set period of time that a trademark is valid.[8] As long as it is used in commerce, then a trademark can last indefinitely. Using the mark in commerce, even without a registration, provides common law rights.

However, registering a trademark comes with a wide range of benefits. Trademarks can either be registered at the United States Patent and Trademark Office ("USPTO"), or the state of Illinois. Federal registration with the USPTO gives notice of ownership, a presumption of ownership around the country, and the exclusive right to use the trademark. As a result, trademark registration is recommended in most circumstances.

Copyright

Copyrights, on the other hand traditionally works of authorship, including literary, dramatic, musical, and artistic. Specifically, these works include poetry, novels, movies, songs, and even architecture.[9] However, copyrights also work with technologies such as source code and computer software. Copyrights, similar to patents, do not protect ideas or facts.

For works created after 1979, copyrights last for the life of the author, plus an additional 70 years.[10] However, if the work is created in the scope of an employee's employment, or written anonymously, then the work will be protected either 95 years from the date of publication, or 120 years from the date of creation.[11] Determining which date will expire first helps when making this calculation.

Enforcing Intellectual Property in State or Federal Court

Most intellectual property cases are heard in federal court, due to federal question jurisdiction.[12] However, certain trademark cases can be heard in state courts. If someone registers their trademark with the state of Illinois rather than the USPTO, then state courts have jurisdiction for trademark enforcement matters. As mentioned above, Illinois trademarks only provide common law rights, which means that trademark protection is only available where the trademark is used. This means Illinois trademarks are inapplicable outside

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OFFICE
ILLINOIS BAR CENTER
424 S. SECOND STREET
SPRINGFIELD, IL 62701
PHONES: 217-525-1760 OR 800-252-8908
WWW.ISBA.ORG

EDITORS
Hannah Reed Lamore
Marie K. Sarantakis

PUBLICATIONS MANAGER
Sara Anderson
✉ sanderson@isba.org

the state or, in some cases, other parts of Illinois if the mark is only used in certain locations.[13]

Intellectual Property Prosecution

Traditionally, prosecution is defined as "the institution and continuance of a criminal suit involving the process of pursuing formal charges against an offender to final judgment."[14] As a result, people tend to think of exciting trials, where life, liberty and justice are on the line.

However, in intellectual property law, prosecution refers to the process of "drafting, filing and negotiating"[15] with either the USPTO to obtain a patent or trademark or with the US Copyright Office to obtain a copyright. It is more transactional, and, in some cases, cooperative, depending on the attorney's relationship with the employee who is examining the patent or trademark application.

Is a Technical Background Required?

If attorneys work with copyrights or trademarks, a technical background is not needed. However, in order to obtain both utility and design patents, they must possess a technical background that satisfies one of the USPTO's three registration categories.[16]

Litigating intellectual property cases also does not require a technical background.[17] However, because patent cases are highly specialized, even a law firm's patent litigation team will have technical backgrounds. Further, many firms prefer their attorneys having relevant technical backgrounds, such as a Computer Science degree for software patents or a Chemistry degree in pharmaceutical cases. As a result, candidates with technical backgrounds tend to be more marketable in intellectual property litigation.[18]

In today's knowledge economy, understanding intellectual property is power, because it permeates throughout business, art and technology. While it is still recommended to consult an experienced intellectual property attorney, the five tips listed above allow attorneys and clients to make informed decisions and determine the best course of action.■

1. Marshall Phelps, *5 Ways Intellectual Property Will Be Critical To Your Career*, Forbes (June 30, 2016, 12:19 PM), https://www.forbes.com/sites/marshallphelps/2016/06/30/5-ways-intellectual-property-will-be-critical-to-your-career/#66b41bb34f34.
2. Zachary Kinnaird, *2015 U.S. Patent Practitioner Trends*, Patently-O (Feb. 26, 2015), https://patentlyo.com/patent/2015/02/current-patent-practitioner.html.
3. *What Is Intellectual Property*, World Intell. Prop. Org., https://www.wipo.int/about-ip/en/.
4. U.S. Const. art. I, § 8, cl. 8 ("To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.").
5. 15 U.S.C. § 1051 (1946).
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17. Julie Q. Brush, The Law. Whisperer (Apr. 24, 2018), https://www.thelawyerwhisperer.com/question/i-am-a-commercial-litigation-associate-and-want-to-transition-to-ip-litigation-do-i-need-a-technical-degree-to-make-the-switch/.
18. *Id.*

Career Services Offices and the Young Practitioner

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advice," said Marianne Deagle, director of career services at Loyola University Chicago School of Law. "The benefit of reconnecting with your career services offices is that traditionally, they are professionals familiar with your background, career strengths, and goals," said Jolynn Caroline, Director of the Office of Career Planning and Professional Development at the University of Illinois College of Law.

Services offered range from in-person mock interviews, resume reviews, cover letter reviews, and career planning meetings. Many schools also have online resources, including job search databases and password-protected career resource portals. Login information and passwords are available to alumni through the school's career services offices.

Beyond these items, the offices have highly specialized services tailored to the unique needs of alumni. Both Northwestern University and the University of Chicago have a career advisor dedicated to alumni. "In addition, certain career advisors that specialize in judicial clerkships and public interest opportunities provide guidance to alumni that express interest in these areas," said Tamara McClatchey, director of career services at the University of Chicago Law School. According to Michelle Mohr Vodenik, senior director of career services at Chicago-Kent College of Law, the school even has an incubator program for alumni who wish to start their own law firm, called the Solo & Small Firm Incubator.

Career services offices also offer events, webinars, and meet-and-greets designed to help alumni. "We have multiple webinars throughout the year addressing topics of interest that are exclusively for our alumni, including building your brand,

time management tips, and social wellness, among others," said Michelle Jackson, director of alumni advising at Northwestern University Pritzker School of Law. Loyola offers a yearly speed networking event every spring, open to alums and law students alike. Often, these services aren't limited to alumni within Illinois: The University of Illinois hosts alumni events across the country every year to provide alumni networking opportunities and allow them to connect with the law school's administration.

Most importantly, the career services offices want you to know that their doors are open and that they want to help their alumni, no matter the stage of their career or where in the world they're located. "Don't feel like you have to figure it out yourself. And, you don't have to know what your plan is when you visit with us. If you are at the beginning of your search and want to bounce ideas off one of us or just need encouragement, we are here for you," said Deagle.

Be sure to check your alma mater's website to sample the services they offer and to find contact information. And when you think about your professional network, don't overlook your law school's career services office. "We hope [alumni] will think of our office as part of their networks throughout their careers," said McClatchey.■

Book Review of 'IICLE Child Support and Maintenance Calculation Guide' by Nancy Chausow Shafer and Margaret Bennett

BY MARIE SARANTAKIS

For attorneys across the state of Illinois, the Illinois Institute for Continuing Legal Education ("IICLE") is our go-to resource when we are new to an area of law. IICLE provides practitioners with educational programs and written resources in each of the major substantive areas of law. Essentially IICLE fills in the gaps of what we never had the opportunity to learn in law school in order to provide us with the basic foundational knowledge to competently practice law in a new field. IICLE also keeps many experienced practitioners abreast to changes in the law and enriches their overall understanding of ever-evolving, expansive, and complex subject matters.

IICLE recently released a new publication titled "Child Support and Maintenance Calculation Guide." This resource was composed by Nancy Chausow Shafer, Esq. and Margaret Bennett, Esq., two of the most prominent and well-respected attorneys versed in domestic relations support obligations. Ms. Shafer is an acclaimed practitioner and a representative for Family Law Software, the preeminent software used to calculate support obligations by Judges and lawyers throughout the state. She frequently lectures and teaches attorneys how to compute support on their devices. Ms. Bennett was appointed to the legislative committee which helped draft the legislation behind our current support calculations. Ms. Bennett has earned numerous distinctions from her peers and is a frequent author and lecturer in family law. While Ms. Shafer and Ms. Bennett have a deep understanding of what many new practitioners consider to be a complicated area, they impart their knowledge in an easy to read and digestible manner.

This new handbook is unlike many preceding publications on the subject. It is a straight-forward, no nonsense guide that tells you absolutely what you need to know before taking on any domestic relations proceeding involving a potential support obligation. It is simple enough for the novice but contains factoids that will be of great benefit to even the most experience practitioner. For a new attorney, support obligations can be complicated because this area is laden with industry jargon. This guide contains a handy dictionary of support terms so that one can become quickly versed in the nomenclature. For the more experienced attorney, they may know the law so well that they struggle to explain it in an accessible way to their clients. This guide will help simplify their explanations of difficult concepts in a straightforward manner.

One of the biggest challenges that we face as practitioners is having enough time. We would love to enhance our understanding of various legal concepts, but we simply do not have the time to devote to doing so. Therefore, we simply learn as we go. When an issue arises, we suddenly shift our attention to it. While marginal attorneys may get by on this strategy, it is not advised. Attorneys need sufficient background knowledge to be adequately prepared to face an opponent in the moment. While

technology is readily available at our fingertips, we still cannot Google in the middle of a hearing. Accordingly, all family law practitioners should have at least a minimum level of competency before going out in the field and this guide will provide just that.

"Child Support and Maintenance Calculation Guide" is thorough but still distilled enough to read relatively quickly. It highlights the major points of our support statutes without any unnecessary clutter. This glossy guide is fun, colorful, and on point. Ms. Shafer and Ms. Bennett did an exceptional job at explaining the nuances of support obligations and calculations that arise each and every single day in domestic relations courtrooms across Illinois. I highly recommend this book to my colleagues.

"Child Support and Maintenance Calculation Guide" can be found online at https://www.iicle.com/19csmcg. ■

Marie Sarantakis is the founding attorney of Sarantakis Law Group, Ltd. in Oak Brook, Illinois. She concentrates her practice in family law. In addition to her work in the courtroom, she is versed in alternative methods of dispute resolution as a mediator, serves as a guardian ad litem, and is a fellow of the Collaborative Law Institute of Illinois. She was recently recognized by Super Lawyers as a Rising Star, named as one of the Top 10 Family Law Attorneys Under 40 in Illinois by the National Academy of Family Law Attorneys, and featured as a fellow of the National Association of Distinguished Counsel. To learn more about Ms. Sarantakis visit www.sarantakislaw.com.

A Book Review and Inspiration for 2020—'You Are a Badass: How to Stop Doubting Your Greatness and Start Living an Awesome Life'

BY NATALI THOMAS

In our profession, it can be difficult to remain motivated and see the bigger picture. Jen Sincero helped me regain that focus and clarity after reading her bestselling book, "You are a Badass: How to Stop Doubting Your Greatness and Start Living an Awesome Life."

She hits on being positive and present to be our best selves. Don't bring yourself down, don't say you can't, you aren't worthy, or you're not capable. Jen says that we came to this earth without limitations, remember that and know that you are loved, the Universe brought you here because it knows how awesome you are and it is putting the opportunities out there for you, you just have to take them.

My favorite part of this entire book is when Jen says, "it's like we're born with a big bag of money, more than enough to fund any dream of ours, and instead of following our instincts and our hearts, we invest in what other people believe we should invest in." (P. 53) That big bag of money is our heart, mind, and soul. Use these to reach for your dreams, and if you don't know what those are, read some books recommended by Jen at the end of the book to find your passion. Naysayers might tell you your dreams are crazy because they too have these crazy dreams that they don't pursue because they're afraid the risks outweigh the benefits. Don't let their fear become yours.

Getting what you want is not going to happen overnight, so while you go after it you still have to care about your present. "Having a good attitude and being grateful for all the things that are helping you live the life of your dreams will not only make your life a more pleasant place to be, but it will also raise your frequency and attract the people and opportunities to you that will take you in a direction you want to go." (P. 76). Start every day grateful for the opportunities you have because they are

shaping who you are and will be useful when you find your niche, even if you can't see that now. Don't become frustrated that what you're doing now isn't where you want to be. Feel good about the fact that you'll probably fulfill several callings throughout your life. Life isn't to be lived by everyone else's standards or what you think should be making you happy. Rather, it's meant to be lived to make you exceedingly happy and joyous. Do what makes you feel fulfilled; if you haven't found that one thing, keep exploring and learning.

At the end of nearly every chapter, Jen gives a list of tips to accomplish the overall goal discussed in that chapter. At the end of this list, she says, "love yourself." This is the most important thing to remember, always love yourself. Don't self-deprecate. Make a list of what you love about you. Pin it to a board. Look at it when you are feeling glum and know that you are amazing, you are a badass.

Thought provoking activity to do on your own or with friends

As part of a book club, we made goal boards, kind of a bucket list meets vision board. Pick a background that will make you happy – paint it, draw it, print it, or just leave it white – whatever makes you happy. Write your goals in big letters, pictures, or symbols. Pin it where you will see it every day. Include some inspirational quotes. Update that list with what you've done by writing it down or checking off boxes. I included boxes for each month I saved money and have been writing the titles of the books I've read this year.■

FICO DROPUF: An Acronym for Deposing Doctors

BY BRUNO R. MARASSO

Doctor depositions can often have an interesting power dynamic to them. The doctor likely knows significantly more about the science behind all the medical issues in the case, but by the time the deposition is taken, the lawyers probably know more about the patient—and maybe even his or her treatment—than the doctor is going to remember. As with most things in this job, it is easiest to approach doctors' depositions the first few times if you begin with some sort of introductory universal framework. The nonsense words that make up the acronym in this article's title attempt to do just that by creating an outline for the topics to be explored in a doctor's deposition.

The article attempts to provide some case law and context on those topics to serve as a decent jump-off point.

Foundation. Injury. Causation (and aggravation). Other (trauma).

Damages. Relatedness (and necessity of treatment). Off (work). Prognosis (/ permanency). Usual (and customary nature of charges). Future (treatment).

Whether you are taking the deposition on behalf of an injured person or the person who wrongfully injured them,[1] these are the topics you should address.

Foundation. Advise the doctor that some of your questions will ask about facts and some of them will ask about opinions. During the doctor's testimony, it is cleanest to find out whether any opinions he or she will testify to, or has testified to, are within a reasonable degree of medical certainty.[2] While using these words is not as necessary[3] to get an opinion as saying "Hey Siri" is to ask for a traffic update, it is good practice to consider treating this phrase as a threshold for a medical expert to provide competent admissible opinion testimony.

Injury. Under the Illinois Pattern Jury Instructions, a plaintiff need only establish that he or she was injured, without any further specificity.[4] Still, if you are representing a plaintiff, you will want to make sure you have the doctor testify regarding the medical diagnosis and, if it is complicated, have the doctor explain what it means in plain terms and how it generates pain. If you are representing a defendant, you will need to find out exactly what the doctor says happened to the plaintiff to aid your expert's review of the case.

Causation. All a plaintiff must prove is that the defendant's negligence was **a** cause of plaintiff's injury.[5] "Might or could" causation testimony is sufficient to meet this burden.[6] If the plaintiff had a pre-existing condition involving the same body part, both sides should be interested in determining the doctor's opinion regarding whether the injury resulted from an aggravation of that condition, or whether that condition rendered the injured person more susceptible to **this** injury.[7]

Other (Trauma). Under *Campbell v. Autenrieb*, it is reversible error for trial courts to admit unsupported evidence regarding potential alternative—or "phantom" —causes of a plaintiff's injuries.[8] Accordingly, if you are a plaintiff's attorney and the defendant's attorney asked hypotheticals such as what might have the tendency to create an injury like your client's, on your examination ask the doctor if there is anything in the record to support that the proposed scenario did actually happen to the plaintiff. If not, it is out under *Campbell*.

Damages. While plaintiffs generally explain to jurors the impact of the pain and suffering and loss of normal life or disability themselves, through family, through friends, or through co-workers, their treating physicians can often have recall of specific times when a patient cried due to pain, felt like giving up and pushed through, or something similar. Most plaintiff's attorneys Illinois Supreme Court Rule 213(f)(2) disclosures identify this topic, so it behooves the defendant's attorney to explore these topics.

Relatedness. In order to recover the medical expenses associated with the treatment provided by the doctor, the plaintiff must prove that the care, treatment, and services was necessary because of the defendant's negligence.[9]

Off (work). A plaintiff is entitled to make a claim for lost earnings or profits.[10] If the doctor being deposed ordered his or her patient to be off work or provided restrictions the patient's employer could not accommodate, both sides should explore the periods of time that the plaintiff was off work and whether it was a result of the injury plaintiff sustained.

Prognosis (/permanency). A plaintiff can seek damages "reasonably certain to be experienced in the future."[11] If the doctor saw the plaintiff recently, the doctor is competent to testify regarding whether the injury is permanent. If there is no recent examination, both parties should inquire regarding the multi-factor approach elucidated in *Decker v. Libell*, specifically whether the nature of the condition is probable to cause pain, loss of normal life, or disability in the future; whether the type of treatment rendered is consistent with that used to treat permanent conditions; whether the length of time of treatment suggests a permanent condition; and any other facts that leads the doctor to think the condition is or is not permanent.[12]

Usual (and customary nature of charges). In order for a plaintiff to introduce evidence of medical bills, he or she must establish that the charges contained in those bills are "reasonable"[13] or "usual."[14] When evidence is admitted, through testimony or otherwise, that a medical bill was for treatment rendered and that the bill has been paid, the bill is prima facie reasonable. If the bill is unpaid, a party seeking admission of the bill can establish the reasonable / usual charges through testimony of a person having knowledge of the services rendered and the usual and customary charges for such services. A doctor may be qualified to give this testimony, and so if the plaintiff is claiming the bills, these questions should be asked.

Future (treatment). With *Miyagi v. Dean Transportation, Inc.*[15] recently re-affirming that expert testimony is not necessary to establish the dollar amount of future medical expenses, future medical treatment is as important as ever for a plaintiff to develop and for a defendant to assess exposure on.

Finally, if the doctor's deposition is an evidence deposition, do what I failed to do in preparing for and writing this article: come up with a meaningful and memorable way to conclude it. ■

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1. Or maybe didn't—but this isn't the time for figuring that out.
2. *Lange v. Freund*, 855 N.E.2d 162, 172 (Ill. App. 1st Dist. 2006).
3. "There is no magic to the phrase itself. The phrase provides legal perspective to medical testimony and signals to the jury that a medical opinion is not based on mere guess or speculation. It is of no consequence that a medical expert witness failed to use this phrase if the expert's testimony reveals that his opinions are based upon specialized knowledge and experience and recognized medical thought." *Hahn v. Union Pacific Railroad Co.*, 352 Ill. App. 3d 922, 931 (1st Dist. 2004).
4. See Illinois Pattern Jury Instruction 20.01 Issues Made by The Pleadings—Negligence—One Or More Defendants
5. Illinois Pattern Jury Instruction 15.01 Proximate Cause--Definition
6. *Wojcik v. City of Chicago*, 299 Ill. App. 3d 964, 978-79 (1st Dist. 1998). See also James M. Varga, *Pitfalls in Proving Proximate Cause*, 105 Ill. Bar Journal 44 (April 2017).
7. Illinois Pattern Jury Instruction 30.21 Measure of Damages—Personal Injury—Aggravation of Pre-Existing Condition--No Limitations.
8. 109 N.E.3d 332, 343 (Ill. App. 5th Dist. 2018), reh'g denied (Aug. 13, 2018).
9. *Arthur v. Catour*, 833 N.E.2d 847, 857 (Ill. 2005). Illinois Pattern Jury Instruction 30.06 Measure of Damages--Medical Expense--Past and Future--Adult Plaintiff, Emancipated Minor, or Minor Whose Parent Has Assigned Claim to Minor.
10. 30.07 Measure of Damages—Loss of Earnings or Profits—Past and Future—Adult Plaintiff, Emancipated Minor, or Minor Whose Parent Has Assigned Claim to Minor.
11. Illinois Pattern Jury Instruction 30.05 Measure of Damages--Pain and Suffering--Past and Future.
12. *Decker v. Libell*, 737 N.E.2d 623, 625 (Ill. 2000). See also James M. Varga, Pointers for Proving Future Damages, 103 Ill. Bar Journal 40 (August 2015).
13. *Arthur v. Catour*, 833 N.E.2d 847, 853 (Ill. 2005).
14. *Victory Memorial Hospital v. Rice*, 493 N.E.2d 117, 120 (Ill. App. 2d Dist. 1986). "Reasonable" is probably better, but I was in need of vowels for this acronym.
15. 2019 IL App (1st) 172933, ¶ 40.

Teamwork Makes the Dream Work

BY RUTHERFORD P. DINKELRIDGE, IV, ESQ.

A significant portion of the practice of law—especially for young/new lawyers–requires some level of teamwork. Whether your firm is big or small, lawyers frequently must work cooperatively or collaboratively with other lawyers to accomplish a wide variety of tasks. Accordingly, your reputation as a lawyer (and your day-to-day stress level) may be substantially impacted by your ability to work effectively with others. In a normal business setting, teamwork is a basic job requirement that is (or should be) managed by a team leader or supervisor. In law firms, this is seldom the case. Instead, young/new lawyers can be ensnared by a number of different pitfalls when working with external clients, internal clients (i.e. more senior lawyers within your firm), support staff, co-counsel, witnesses, and vendors, etc.

For most of you, the foregoing was not a revelation—nor was it intended to be. Rather, this statement of the obvious was intended to set the stage for the following list of tips and tricks extrapolated from this anonymous author's personal experience as a team member, team leader, co-counsel, and point of contact.[19]

1. Know Your Role

Quite simply, you cannot be a good teammate if you do not know or understand your role on a team, and furthermore how your task fits into the goals of the team as a whole. In an ideal world, the supervising attorney will tell you the role you are being asked to play and clearly define the roles and responsibilities of the other team members. But, in the real world, boundaries are not always clearly defined, and while you should be able to ask your supervisor directly, you may not feel comfortable doing so. When faced with such a problem, take a moment to consider the scope of the task you were asked to complete and the manner in which it was assigned to you.

You can learn a lot about your role on a team by the way in which an assignment is given to you. If you are given a hypothetical question without much factual background, then it is likely that the scope of your assignment is small (at least for now) and the supervising attorney is likely just looking for a discrete answer to that question. By contrast, if the supervising attorney provides you with more background information, you should carefully consider how to use that information to guide your work. Can you use the information to tailor your analysis? Can you use it to find alternative strategies that may be effective? In such situations, it is critical to know and understand your role on the team—specifically, whether you are tasked with finding the solution or just evaluating a specific part.

You also may find that the information you were provided can help you find more ways to get involved in the project going forward. Perhaps you can set a Google alert that would help you find new information of interest to the team, check the docket for upcoming deadlines on which you can assist, or even find newly decided cases that support or hurt your position.

2. Don't Be a Problem Finder, Be a Problem Solver

Problems come up. It happens (… maybe that is why they call it the "practice of law"). When you are a young/new lawyer, however, how you handle the problem can be more important than explaining it or placing blame. After all, once the initial shock subsides (i.e. the screaming), your team is still faced with a problem, and someone has to figure out a solution—it might as well be you.

When I was a junior associate, a more senior associate on the team asked me to handle the next task on his "to-do" list,[20] drafting a reply brief in support of a pending motion. Unfortunately, once I started working on the brief I discovered that we had already missed the filing deadline. When I called the supervising partner to explain, she was not happy, but she stopped caring about the cause of the problem when I suggested a potential solution. She agreed with my proposal and allowed me to implement it. Ultimately, we won the motion (and the case). A few months later, during my performance review, there was no criticism for missing a deadline, only praise for finding creative solutions.

3. Be Responsible

The single best piece of advice that I have received as a lawyer to-date is: know your limits. A mentor once explained to me that despite having the best of intentions, I was not doing anyone a favor if I volunteered to take on work that I could not complete well and on time. Instead, when you over-promise and under-deliver you put your professional reputation (and even your mental well-being) at risk.[21]

Being a good teammate also means knowing when and how to share the load. Serious problems can arise if you volunteer for an assignment and then back out at the last minute. Since the team's deadline has not changed, you have just turned a once manageable situation into a fire drill for someone else. While unforeseeable events can disrupt even the best-laid plans of the most diligent, you can try to mitigate the harm by communicating openly and honestly with your teammates and team leaders. Consider reaching out to your teammates when the unforeseeable event first emerges instead of waiting until you realize it will impact your other deadlines—even an extra day or two could make a substantial difference in the overall welfare of the team. If, however, you are going to

miss your deadline as the result of binge-drinking, binge-watching or other activities on which one might binge, lie.

4. Be Organized

A healthy level of organization can add value to a team in myriad ways. Particularly on large projects, the team member who knows where to find key information quickly often becomes indispensable to the team's leaders. Good organization skills are also important when working on long-term or time sensitive tasks. It is critical to be able to track your progress on a project so that other team members can easily share the load or pick up where you left off.

Well-organized team members can really make an impact on a team leader. When I delegate work to a team, I offer the most important projects to my most reliable team members. In particular, I offer the most critical projects to a specific team member who habitually keeps meticulous notes on his research tasks. Not only have these detailed notes proven useful to answer follow-up questions, but they can also be used to refocus the task to get better results. These well-organized notes showed me that this team member was reliable and made him an indispensable part of my team.

5. Think About the Optics

Few things can derail a team faster than a well-intentioned but unartfully delivered message. While my musings on the finer points of communication (and anecdotes outlining my many failures) could fill a multi-volume treatise, I will conclude here by limiting myself to my top 3 points on communication in legal teams:

- Edit for substance, not style. When working as a member (not the leader) of a team, avoid making stylistic edits to someone else's work product. If you find something that is objectively incorrect, confusing, unclear, or wrong, then you should certainly suggest a change. However, you should avoid offering changes when the only basis for the suggestion is your personal preference or style. Despite your best intentions, you are telling the original drafter that you think that your preference is more important than theirs, which can erode a relationship between peers.
- Communicate with precision. Beyond choosing the right words to deliver your message, consider whether it is being delivered to the right recipients and in the right order. Should you reply to everyone included on the initial email or just to certain individuals? Should you be the first to reply or should you wait to see if others respond first? And, most importantly, double-check the list of recipients to make sure you are not emailing an entire listserv by accident. You don't want to be that horror story about the inappropriate firm-wide email, even if your meme game is strong.
- Know when to stop. At some point during the drafting of collaborative work product, the editing must stop so that the document can be finalized and filed. A good teammate knows where this point of diminishing returns arises and can put the pen down in time. You don't want to keep your team and staff late or risk missing a filing deadline in pursuit of the last phantom typo. Know when to let it go.■

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1. Surely, some or all of these items will not apply to you and your practice, and if so, I would gladly hear your complaints and criticisms—except that this article has been submitted anonymously.
2. To be clear, he was going to be spending time working on another task that required additional attention (he was not just dumping on me).
3. Again, for the sake of clarity, this advice only applies when you are working at or beyond your full capacity. If, however, you are passing on potential opportunities so that you can spend more time playing Candy Crush then you probably shouldn't even be reading this article—go get some work done!