

YOUNG ADVOCATES

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February 17, 2020

New Year, New Bills: Resolve to Have Better Fee Conversations with Your Clients

Five tips that will increase your chances of collecting your fees in full.

By Jane Gleaves

We just got through the end of the year, and we all faced the pressure to collect any outstanding invoices. A new year has arrived, and firm leadership, and particularly equity partners, are going to be making a push to get as much collected as possible; and, depending on the firm's compensation structure, young lawyers also may be rewarded for their cash collected.

It is important to lay a good foundation for your client relationships in order to make billing and collecting fees smoother—and to help you avoid a big outstanding invoice and an intimidating conversation with a client coming between you and your year-end bonus.

If you're looking for a New Year's resolution, here's a suggestion: Start having more productive conversations with your clients about your bills. As a late gift from me to you, below are five tips that will increase your chances of collecting your fees in full.

1. **Set clear fee expectations from the beginning.** Whether you're billing by the hour, at a flat fee, at a discounted rate, or at your regular rate, it is important that you set expectations about the fees at the very beginning of the relationship. Even if this is an existing client, if you're entering into a new matter, it is still important to have a conversation about your fees.

The engagement letter is the perfect place to do this. Clearly set forth not only your hourly rate but also the rates of anyone whom you expect will bill time to the project. Being clear about your clients' potential investment can help avoid that sticker shock when they first get the bill.

2. **Send the clients your work product even if they won't totally get it.** If your client is in-house counsel, he may want to review your work product for edits on substance.

But, even if your client is an individual, the HR director, or the CEO of a company, send him your pleadings, your briefings, and the summaries of depositions. Even if the client is a nonlawyer and doesn't understand the ins and outs of your motion to dismiss, he will be

more appreciative of the time you billed when he can see the results of your labor. Your client is spending a lot of money, and you should be sharing what you're doing with the client's money.

3. **Show your value in your time descriptions.** While clients may not always read everything they're sent, you can be sure that the client will read every bill. Good time descriptions are a vital way to demonstrate your value. Your time descriptions should do several things.

First, they should describe the client's problem and how you solved it. A description that you drafted a letter or reviewed a document does not tell the client anything about the value of your services. If you make a recommendation to the client or draft something specific stemming out of a conversation with the client, describe what it was and how it moves the ball forward in your client's case.

Next, the description should not only explain what you did but also why you did it, especially if a client specifically asked you to do something. Clients are busy and often forget that they've asked you to do something. Have a phone conversation with a client? Include her name in the description, including her instruction to do a task.

Finally, avoid descriptions that make you sound like a messenger. Clients expect to pay for legal advice. Clients hate to pay for administrative functions, even if they are small amounts of time. If you're relaying a message, such as a settlement offer, be sure to describe the analysis and advice that you provided the client, rather than just noting that you passed along a message.

The need for detailed time descriptions is even more pronounced for young lawyers. At the earlier stages in your career, you may not have a lot of direct contact with the client. Because of this, your time descriptions might be the only direct exposure between you and the client. Use the opportunity to make a positive impression.

4. **Call the client before a big bill hits.** Receiving a bill should not be the first communication that your client gets about your work. Your bill also should not act as your update to the client on the matter. If you have laid a good foundation by following steps 1-3, a bill shouldn't be too big of a surprise to the client. The client will know your rates at the outset, will know that you may be using other lawyers and paralegals to help out, will have seen your work product, and will have the chance to understand your work by reading your strong and detailed time descriptions.

To close the loop on the effective delivery of a bill, pick up the phone and let your client know that your invoice is coming. It can be tempting to have your accounting department stick an invoice in the mail without any extra work on your side, but I promise you that the extra five minutes it takes to call the client will pay off. The client will appreciate your addressing the matter of payment head-on and will appreciate that you've opened up a line of communication about the fee.

5. **Don't be shy about the time you've put in.** For young lawyers, it can be a shock to see how fast their legal fees can build up. Some lawyers may feel self-conscious about their high hourly rate adding up to thousands of dollars on an invoice.

Over time, it's vital to develop the confidence to stand behind your work, knowing that

you've delivered something valuable to the client for which you deserve to be paid. Don't be apologetic for the cost or write off time that was legitimately used. Your confidence in your own work will, in turn, generate client confidence in your work.

New Year's Resolutions

In this new year, while you're eating healthier, saving more, taking more time for yourself, or whatever other resolutions you're setting—one resolution that you should actually keep is to lay good foundations in your client relationships by having better fee conversations.

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February 17, 2020

Excellence Starts with Competence: The Practices of Virtue

A first-year associate discusses some of the virtues needed to achieve immediate competence—and strive for ultimate excellence.

By Madeline Flores

As all law school graduates are aware, there is pressure to be an excellent professional from day one. Indeed, the clichéd expectation for a successful career in law hinges on a wildly successful first year of law school, marked by the perfect (or near-perfect) GPA.

This desire to be excellent, if excellence is defined as perfection, can be self-defeating to a new practitioner. For instance, the newbie might be tempted to stay up all night researching an obscure issue of law, fearful of failing to provide the right answer, rather than reaching out to the partner for clarification of the assignment. Fear breeds anxiety, bitterness, and vice.

But excellence in year one need not be so narrowly defined. A Jesuit priest and former president of Jesuit High School of New Orleans, Father Raymond Fitzgerald, S.J., used to say to his new teachers: “In your first year of teaching, you are striving for competence.” Father Fitzgerald recognized the human desire to prove one’s worth on day one. He also recognized that the prideful nature of this desire might hinder, rather than nurture, one’s path to excellence. Father Fitzgerald therefore encouraged new professionals to approach the challenges of one’s career with the virtues of humility, perseverance, and temperance. Becoming competent means accepting your faults, asking for help, and persevering when you inevitably make mistakes.

Reflecting on my limited experience as a law student and law clerk, I can now see the fruits of virtue in my career.

Virtue No. 1: Humility

I’m a first-generation lawyer who knew just about nothing of the legal profession when I applied to law school. In law school, I reached out to senior students and professors for guidance about how to study for law school exams and how to apply for externships and jobs. It is certain that I would not have excelled in my first round of exams had I not

benefited from the generosity and mentorship of my professors and fellow students. The value of mentorship and teamwork was also evident in my work with the law review. Long days and late nights spent cite checking obscure sources and marking up drafts would have been futile if we did not have each other to rely on—the extra set of eyes, the creative search, the witty comment, and the kind of humor that is only humorous after hours of editing. My humility laid the foundation for these relationships, in which I was the beneficiary of an abundance of generosity. These relationships were not just about getting ahead or producing something. These students and professors became my friends, enriching my life in a way that worldly success could not.

In my first year after law school, I clerked for a newly appointed U.S. district judge. In a sense, everyone in chambers was a newbie like me. Perhaps this situation gave me the guts to ask an abundance of questions, undoubtedly to the chagrin of my coclerk (“What’s a arraignment? How do submission dates work?”) and even, to my embarrassment, of the judge (“What’s a pretrial order?”). Nevertheless, I knew that I needed to learn the basics, and I needed to learn them quickly. “Look in the local rules” was usually the answer (a response that sent me to Google the first time to ask, “What’s a local rule?”). While I knew that I was capable of reading a text to educate myself about a relevant topic, I inevitably struggled to know *where* to look for the right resource. For this dilemma, the librarians at the court of appeals library (conveniently across the street from chambers and on my direct dial) were wonderful resources and very pleasant people to work with. Unlike the search engine bar (staring blankly at you, with a mocking smirk), librarians had conversations with me about what I was looking for and for what purpose I needed it. They would suggest to me different kinds of resources that I had never known existed, such as pattern jury instructions from different jurisdictions or model jury instructions published by a bar association. Despite my ignorance when first starting out, I certainly gained an overview of federal courts by the end of the year as a result of the collective wisdom in chambers and my humility in asking questions.

Virtue No. 2: Perseverance

Any lawyer who has taken the bar exam knows the virtue of perseverance. Perseverance is often regarded as a kind of willpower. You’re master and commander; you’re a superhero! But the key to unlocking your potential to persevere might have less to do with your isolated, can-do attitude, and more to do with the relationships that inspire and enable you to actually persevere.

In the most challenging moments of my career, my friends and family were the catalysts behind my ability to persevere. When I was studying for the bar exam, for example, I had a few things going on. One of them was a little human scheduled to arrive a few weeks into studying, about a month shy of test week. She arrived a week late (there went the study schedule!), but no amount of rescheduled studying could prepare me for the total

exhaustion of caring for a newborn. Amidst these difficulties and distractions, it would have been easy to become discouraged. But I found encouragement in my friends and family who were taking the bar alongside me. (Yes, I consider my family's support coextensive with my own examination.) A few of my law school friends also had a newborn in the weeks before the bar. One of my best friends from law school had her child a few weeks before mine, and we were commiserating with each other about our new experiences and struggles. She was a comfort and inspiration to me when I was tempted to think that no one understood my plight. My parents and in-laws watched my daughter while I took practice exams. And, day in and day out, my husband would care for our child to ensure that I had dedicated study time. Even though preparation for the bar required perseverance in isolation, the effort was hardly mine alone.

Virtue No. 3: Temperance

There is no question that a law career demands intellectual endurance. In litigation, the workload can weigh heavily toward the many deadlines before trial. In order to stay sharp and avoid burnout, I've found it beneficial to maintain a balanced lifestyle.

This means devoting time to work and rest. Even when the to-do lists seem to run off the page, I know that consistently cutting out rest in favor of work will ultimately hurt me. Instead, I aim to prioritize both diligent work and conscious rest.

As with training for a distance race, daily efforts are the only way to achieve the goal of finally running the race. Unsurprisingly, a daily running routine is part of my lifestyle. In addition to making me feel less guilty about sitting in front of a computer all day, I am able to think more clearly post-run.

Writing is an art, and even legal writing requires a level of humanity. Winning over a jury or a judge requires a human connection that should come across on the page and in the courtroom. Understanding the narrative of a case demands both sympathy and scholarship. Accomplishing this requires the virtue of temperance.

Conclusion

So, what can you do to practice virtue in your career? To start, it's helpful to reflect on the ways that virtue has already touched your life. For instance, who are the people who have helped you in your humble beginnings? Who has inspired you to persevere? How do you relax and feel refreshed? If you feel overwhelmed, I challenge you to look for simple ways to practice humility, perseverance, and temperance. Excellence begins with competence.

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February 17, 2020

The Advantages of a Secondment: Forget Your FOMO

Accepting a secondment offers an associate rare opportunities that shouldn't be passed up.

By Katja Garvey

For young attorneys, being away from the office for any extended period of time sounds heretical, and this is understandable. Early in their careers, attorneys are encouraged, and rightly so, to develop business internally, get to know their coworkers (especially the partners), and make themselves available for projects that might come their way. Being visible and available is a critical part of a lawyer's early career. See [FOMO](#).

Accepting a secondment, therefore, may seem antithetical to traditional career development, but doing so offers an associate rare opportunities that shouldn't be passed up.

Secondment Defined

First, if you're wondering what a secondment is, it's a temporary arrangement in which you go and work on-site, most often for a client but sometimes for a partnered firm. I not only was fortunate to have had the opportunity to spend a three-month secondment with a law firm in Freiburg, Germany (you can read more about [my experiences](#)), made possible by our global business practice, but also was asked to second my services to an international technology cooperative based in Columbus, Ohio, utilizing my work in data privacy and security.

Uncommon Insight into Client Operations

Secondments create a situation in which an associate can work with a single client on a long-term project with a set schedule. For example, my current secondment has me on-site two or three days a week.

For many associates in a traditional work setting, regardless of the practice area, face-to-face interaction with any client isn't guaranteed. A secondment presents the opportunity to work with not only the in-house legal department but also a client's entire business and

leadership team, which can provide insight into the client that even relationship partners are lacking.

This type of interaction is a fantastic opportunity for the associate to strengthen existing relationships among herself, her firm, and the client. As an attorney on secondment, you might invite the client's in-house counsel to firm events—as guests or as speakers—and connect them with other firm members, firm initiatives, or committees.

New Perspectives on Learning and Critical Relationship Skills

Secondments also provide learning opportunities for young lawyers that law firms can't provide directly.

You're obviously learning about a different business environment, understanding the business's workflow and decision-making processes and timelines, but you'll also improve your communication skills with in-house lawyers and decision makers. For example, my secondments taught me a great deal about concise communication because I could see firsthand what mattered to my clients/colleagues the most. This greater understanding of relationship dynamics also allowed me to prioritize my time more effectively in order to concentrate on the issues most important to the client.

And my perspective on business pressures and corporate politics has been affected in a very real way that has had a practical effect on the way I give legal advice. This type of understanding is not something that law schools teach you, but it is central to our roles as business advisers.

Any professional-development plan certainly should include soft skills and people skills, and working in an in-house legal department gives associates unique opportunities that more traditional legal work does not. Along with the diversity it adds to your routine, a secondment forces you to talk with business and management professionals so that you can effectively represent their interests and advocate for their needs. Working directly with the client and participating in the daily running of that business will arm you with experience that your peers simply can't replicate, and the leadership at your firm will understand and appreciate it.

Guaranteed Billable Hours

Not all of the benefits of a secondment are qualitative, though. Perhaps the most important short-term benefit of a secondment is that almost every hour of your secondment is billable time because there will be no wasted time. It's comforting to know that you will be able to

rely on a baseline of at least X hours at the end of the month, which is a level of stability that most associates crave. In fact, that baseline may be more than associates might otherwise log in a given month anyway.

Of course, balancing your secondment with your regular responsibilities will be stressful. You will have to schedule meetings and other commitments around it, and communicate with your colleagues at the firm and at the company to set reasonable expectations and make everyone aware of your schedule. But you have to schedule around other meetings and commitments anyway. Your inbox will overflow here and there, but you can manage. Your inbox was going to blow up anyway, and you were probably already going to email people back after business hours, no matter at which office you spent your day.

Conclusion

Anything that could happen at your firm's office can happen while you're on secondment. You'll still have to balance caseloads and multiple clients. You'll still have to respond to too many emails. You'll still have to build relationships and network.

But during your secondment, you'll be building expertise, developing people skills, earning trust, and establishing a unique network with both breadth and depth. You'll have reliable billable hours; and if you excel and the client has an ongoing need, the secondment might be extended or could lead to additional work as outside counsel with an expanded scope. And now that you have the deepest relationships and built-in credibility, guess who will run point on those projects now? As an associate with partnership aspirations, that's an invaluable position to be in.

While secondments have traditionally been much more common in Europe, they are growing in popularity in the United States, and proposing or accepting a secondment has more than enough benefits to outweigh your fears of being out of the office. So, don't miss out on the opportunity to advance your career by working directly with a client, gaining insight into the client's business, and improving your relationship and communication skills, all while boosting those billables.

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February 17, 2020

Community Involvement and Humility: A Rainmaker Interview with Mark Richardson

You can have humility and still market yourself.

By Alex Lierz

[Mark Richardson](#) is a partner at Rembolt Ludtke in Nebraska with a strong primary focus on plaintiffs' personal injury and wrongful death litigation. Richardson has pursued litigation in state and federal court, ranging from Omaha to Valentine to North Platte to Red Cloud and almost everywhere in between. Richardson handles personal injury and wrongful death claims involving product liability, motor vehicle negligence, premise liability, and workplace injuries resulting from third-party negligence.

How long have you been practicing law?

Nine years. I started working with Rembolt Ludtke after law school in 2011.

What kind of practice do you currently have?

I work as a partner at a law firm with 25 other attorneys. I am one of three attorneys who primarily do personal injury work at the firm. Almost 100 percent of my practice involves plaintiffs' personal injury work with a few other insurance-coverage matters.

Did you always want to go into personal injury?

Since my second year in law school, I always wanted to work in personal injury. Right out of law school, I took on a variety of cases, including divorce work, for the first three years, but I knew my practice would evolve into primarily personal injury work.

How did you develop your personal injury practice?

When I started devoting my time to personal injury work, I was only the second attorney [in my firm] working in that practice area and the only one working full-time in the area. We went from having 10 to 15 active cases to well over 50 cases now. It was a slow build in terms of the size of the practice, but some of it was natural with the firm having more capacity with me working there. We developed our practice by networking with greater Nebraska attorneys with smaller practices that didn't do personal injury work. This purposeful networking and heavy involvement within the professional community,

including the Nebraska Association of Trial Attorneys (NATA), helped us build the practice we have today.

How do you maintain these connections and build your network?

I always make a point of stopping by and saying hi to my referral sources when I am in town. At the end of the year when we send Christmas cards, we will include information on a hot-button personal injury topic that year. We also send thank-you cards for every referral and frequently enter into work-share agreements when warranted. These work-share agreements are incredibly beneficial to helping maintain these connections because it allows our referral sources to stay involved in the case and see how we do things, and eventually become more comfortable with referring additional cases to us.

How did you land your biggest case?

A partner came into my office at 5:30 p.m. about a new lead on a personal injury case. That evening, we called the potential clients together and had a series of conversations over the course of several weeks. I knew that the clients were interviewing other attorneys, and so I spent more time visiting with them on the phone and going to their residence for in-person visits. Ultimately, we were retained because they felt more comfortable with us as individuals, and the time invested into making that connection paid off.

What business-development habits and techniques have you personally found to be most effective?

Being involved within the community—NATA—and keeping in contact with referral sources. At the end of the day, it also comes down to doing outstanding legal work.

What do you find is the hardest thing about business development?

The hardest thing about business development is that you do not always have objective measures for how business development is doing. Everything is very anecdotal. The best measure for how I am doing with business development is seeing how busy I am and what cases I am getting referred. There is a lot of subjectivity because you cannot trace an exact causal link. There is always a time crunch, too. You have to choose between putting time in and pushing cases along versus taking two days off to attend or present at a conference to be seen and develop your reputation.

What advice would you give to a new attorney trying to develop a personal injury practice?

Get out of your office. You can work your files, you can work your cases, and you can put in 100 hours on each case, but you are not going to get any new cases in the door if you are

not getting out there. Meet judges and go to social events and fundraisers to meet others in your practice area and community. The more connected you are, the more likely the next big case will come to you.

What is one thing that you know now about business development that you wish you knew earlier in your career?

One of the hardest things to balance in business development is the balance between having a sense of humility and still marketing yourself. Both are extremely important when you encounter a potential referral source or client because both want to see humility and have the best attorney for the case. Humility is a vastly overlooked trait, but it has to be genuine. You genuinely have to understand that you are not the epicenter of the universe and that there is always something new for you to learn. If you don't have a good sense of humility, you run the risk of appearing overly confident, or even cocky. Some people are naturally confident, and others grow into it. It is a process of growing, learning, and working hard; and it can be the difference between a client trusting you with their case and as a person, and not.

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