

Lawyering & Professionalism 101

Eliza's Version



Logo of East Bay Community Law Center

Please, Take No Offense

“If it went without saying, it’d go
without saying.”

-Tirien A. Steinbach



Image of Tirien Steinbach

BE A GOOD LAWYER BY BUILDING YOUR REPUTATION

- You kinda only get one chance and it starts now.
- You never know what the future will bring and your best guess is probably wrong.
- People will remember you, for good and for bad.
 - It's a small, small (legal) world.
- Even your least favorite job is a valuable experience
- Admit when you don't know something and ask for help. The more experienced you become, the more you will know how much you don't know.
 - But before you ask for help, make sure the answer isn't in your training materials or an email that your supervisor sent you last week. RTFM!
- Do what you say you are going to do, or give plenty of notice if you will not be able to do it.

BE A GOOD LAWYER

BY NOT BEING A TV LAWYER

- Don't lie
- Be civil, if not outright gracious, 100% of the time to 100% of people you encounter, including opposing counsel and especially admin staff/clerks
- If you must practice polyamory or infidelity, do so outside of your workplace
- Don't do cocaine
- **How to win: Work in solitude on the boring unglamorous bits 100 times harder and longer than you ever imagined you would need to.**



Bryan Stevenson
says:
“Why yes, actually
I did read (or write)
every word on that
bookshelf behind
me.”

Image of man in suit sitting in front of a bookcase

BE A GOOD LAWYER BY BEING SELF-AWARE

- **Fluency** not competency. Words change, people change, culture shifts. No one—no matter how woke I think I am—gets a pass on consciously working and evolving
- Be **humble** AND **forgiving** of myself & others AND **brave** about speaking up but learn skills beyond just call-out and clap-back
- Call people **what they want** to be called but don't soak them with my guilty tears when I mess up
- **Step up/step back** in class, work, court, the store physically & verbally
- **Make eye contact**, smile sincerely, and say “hi” to everyone who crosses my path
- That email to my **female** professor: Would I send it to a male professor? Read it thrice
- **Admin and dishwashing work**: Who around me is doing the bulk?
- Forget “ally”— **be a co-conspirator**
- Don't be defensive. For good/bad/sad/mad **it's 0% about me**

Intentions aren't magic. Actually, intentions aren't (expletive)⁵.

Good Intentions? Dashed by historical context!

KARL MARX SEZ:
“The tradition of all the
dead generations
weighs like a nightmare
on the brain of the
living.”



Image of Karl Marx

BE A GOOD LAWYER BY DEPLOYING COMPASSION

Poverty is complex and inconvenient.

Accomplish more by imagining and planning around the minutiae of your clients' lives

- No money to keep their phone turned on? ***Find another message number and/or email address and/or set a regular time for check-ins.***
- No calendar or memory to remember appointments? ***Send multiple reminders in multiple ways.***
- No money for transportation to the appointment until the 1st of the month? ***Make or reschedule appointments as needed or do stuff over the phone.***
- No email/computer to send you that document you need? ***Meet them where it's convenient to get the original. Or can they take a photo and text of the doc with their phone? Did they know there's a free fax machine at the library?***
- Client won't prioritize legal case? ***Help them, or refer them to someone who can, access services or public benefits so their family can eat, stay in school, address the most pressing issue in their lives.***

PATIENCE IS EXPEDIENT!

BE A GOOD LAWYER BY DRESSING & TALKING FOR YOUR ROLE

- Behind mindful of your **body language and physical contact** and take cues from your client
- Spend time mastering the art of **speaking and writing accessibly for all** Never choose a high falutin' word, not in court filings, not in client communications.
 - ~~Per our recent discussions~~ **As we talked about yesterday. . .**
 - ~~Exited the vehicle~~ **Got out of the car. . .**
 - ~~Pursuant to Penal Code § 17~~ **Under Penal Code section 17. . .**
- Dress for your role
 - Fake it til you make it: Dress to **convey competence and confidence** to your clients and supervisors
 - Make considered, **client-centered, & supervisor-aware choices**
 - Fight the patriarchy and gender fascism in a way that **doesn't compromise your clients' interests**
 - Leverage the patriarchy and gender fascism to deploy your cultural capital for your client
 - Crazy nail polish to court? Earlobe gauges when testifying before a Senate subcommittee?

Tony Serra says:
Even with all my white old man privilege I still wear a suit to court.



Consciously make these decisions.

BE A GOOD LAWYER BY HELPING YOUR CLIENTS GET THE MOST OUT OF YOU

Early on set expectations about your role

- Tell your clients what you **CAN** do for them and how long it will take
 - Then DO it. **Follow through!**
 - Keep in good touch no matter what. Explain your skill limits and people will be patient and forgiving
 - “I am not an attorney but I am supervised by an attorney who will be guiding me through and checking all the work we do on your case. If I don’t know something, I will tell you, find the answer, and get back to you ASAP.”
- Be clear in your own mind and model what you **CANNOT** do
 - You **ARE** an unlicensed legal advocate who **cannot engage in the unlicensed practice of law**. You are NOT a psychotherapist, clergy member, parent, romantic partner, chauffeur, or storage facility operator.
 - And if you are moving clients’ cases forward, they will prefer you to be, above all, their legal advocate.

THESE HAVE HELPED ME

- (Straightforward, unequivocal tone): “I am so flattered that **you want to take me out for drinks!** Wow, thank you! But I want to be your legal advocate and work on your case, which means I can’t take you up on your offer. Thank you so much for asking, though! Okay, did you bring the paperwork for court that we talked about?”
- “Mr. Takeupallmytime, ~~as I explained 100 times~~ unfortunately **there is nothing more our office can do to help you** with your case, and I do not know any other lawyer who can take your case. It’s unfair that our laws cannot fix this injustice that happened to you. I need to run now so I have to hang up the phone. Goodbye, and take good care, Mr. Takeupallmytime.” **CLICK.**
- “Ms. Smith, you seem upset/frustrated/angry right now. **Will you tell me what’s happening?**”
- “Mr. Brown, you sound so discouraged! I am really sorry you are going through this. It’s a lot for any person to handle. Would you like to talk to someone who is an **expert on helping people cope** with traumatic life experiences*? Okay, good. Here is the number to call.” ***AKA Any mental health problems**
- [Client just told you that her father sexually assaulted her starting when she was 7 years old; he just died; she has finally overcome her decades of alcohol addiction and just graduated with a masters’ degree in counseling.] ~~“You must be relieved he’s gone.” “What a monster!” “You are so strong! You are a superwoman!” [You cry over her trauma].~~ **“Thank you for sharing your story with me.”**

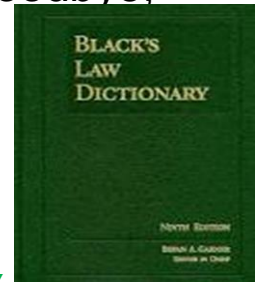


Image of Black's Law Dictionary

Image of an envelope



- Write every email as if it will **end up as part of discovery** in a big, public lawsuit and/or be forwarded directly to Above the Law and/or Gawker.
- When addressing your professor, judge, partner at your law firm, supervisor:
 - Be formal.
 - You should write first and last. Respond to the last email even if it's just a "Thank you!" to acknowledge receipt,
 - **Emails should be 100% grammatical.** Learn and deploy the correct usage of: that/which, who/whom, that/who, etc.
- **Always include your full name and contact info including phone number**
- No decorative fonts
- No "inspirational" or religious signature quotes or printing admonitions. **Don't tell a judge to consider the environment** before printing your damn email.
- If you don't hear back, **write again** with a patient, kind reminder or follow-up.

CONFIDENTIALITY TRAPS

- Do not FB (or tweet or Instagram or snapchat or blog) about your clients or the judges you appear before or the lawyers you work with or against or other students, **even without their names**.
- Learn what to shred (everything) and shred it. Treat each client-related document as if it relates to you and your own most secret secrets.
- Don't use anything as a writing sample without your supervisor's permission.
- Don't give your cell number to your client without your supervisor's okay. Don't conduct legal work via unprotected text messages.
- Don't talk about your clients' cases in elevators or on BART.
- Don't send or accept friend requests from your clients **EVEN AFTER YOU LEAVE** your job without express permission of your supervisor, even if you think you know the status of the case.

HOW TO APPLY FOR A JOB

- **Résumés**

- Highlight the diversity—experiential or demographic or language—you bring to a job. IMHO consider taking off interests that aren't extraordinary (Olympic swimmer). Especially those that are universal (good food, reading) or indicators of class/privilege (world travel, dressage, fine wine)

- **Application materials**

- NO: PDF of your application materials with a file name of “SCANNER” or “J’s RESUME”
- YES: **“Smith, Jane – Resume for EBCLC”**



Image of three diners clinking wine glasses

- **Voicemail Message:** professional outgoing message? Voicemail set up and not full?
- **References:** don't list them without first getting their express permission
 - You should have a pretty good guess about what your past supervisors would say are your **worst traits** “areas for development” and be working on those!

HOW TO INTERVIEW FOR A JOB

- **Prepare for your interview. This will take 3 times longer than the interview**
 - List every question you can imagine being asked in the interview. Write out long-form answers to each question.
 - Edit them down to bullet points.
 - Practice them in the mirror 2 to 9 times.
- **The interview**
 - Dress how you imagine the employer would want you dress for a meeting with President Obama where you are representing the employer.
 - Make eye contact with everyone in the room equally. **Smash the racist patriarchal law hierarchy with your eyes.**
 - The first words out of your mouth no matter the first question: “First, I want to thank you for inviting me to interview. I’m grateful for this opportunity.”
 - Answers = 3 minutes max. You can do follow-up but STOP TALKING.
 - Pick your best anecdotes or highlights about your skills and make sure work them into your answers, no matter the questions.
 - Be able to answer why you are the best person for the job.
- **After the interview**
 - Thank you notes. Send them. No grammatical errors.
 - When you are denied a position with a personalized email, respond nicely. Bridges.
 - Be brave. Ask for feedback about your interviewing skills.



Image of a pen writing “thank you”

HOW TO

GET AHEAD IN THE WORLD

- Never throw anyone under any bus.
- Even if it's a first draft, even if you don't know what you are doing substantively, make it as complete and **proofread** as possible.
- **Seek feedback**, accept it non-defensively, and integrate it.
- Send handwritten **thank-you notes** when people have helped you or think they have helped you.
- Acknowledge and lift up the **contributions and successes of everyone** around you. Nominate your friends and co-workers and supervisees for awards and accolades.
- Quickly **take responsibility** when you drop the ball or make a mistake.
- Apologize but (mostly) **do not offer an excuse** even when there's a good one. Note that no matter how busy you are, your supervisor has 10x more on his/her plate so your excuses might not land right.
- Make yourself indispensable in every space. Never leave a stapler or toilet paper roll empty for the next person. **Never leave a dirty spoon** in the sink to be washed by a person whose time you think is less valuable than yours

HOW TO NETWORK WITHOUT BARFING

- Do not say or write a single network-y word you can't get across 100% sincerely. **Insincerity is obvious and repellent.**
- Do tell your former supervisors when you are applying for jobs, clerkships, fellowships. Do ask them for help, ideas, referrals. Thank them in writing. **KEEP THEM UPDATED ON WHAT HAPPENS!**
- Do join organizations and boards of organizations, donate what money you can to non-profits, attend events that interest you, volunteer in a way that adds value to the organization (**likely doing unglamorous grunt work**), host (small) fundraisers for orgs or candidates who you sincerely like.
- **Always introduce yourself** (and everyone standing near you) with your full name even if you believe the person should remember you.
- Do find mentors & **be a mentor**
- Do **support everyone** behind you and around you-- with jobs, life encouragement, getting into law school, reminding them of deadlines, telling them about the spinach in their teeth, writing them fan letters (short, sincere, non-gaggy) when they inspire you.

SHORTCUTS & CHEAT SHEETS

- Learn & re-learn **commas**, hyphens, en-dashes, em-dashes, etc.
 - <https://owl.english.purdue.edu/owl/resource/607/01/>
- Use other writers' editors: NYTimes.com search function to check their usage styles or spelling
- Don't miss filing deadlines. **Date/time calculators!**
 - <http://www.timeanddate.com/date/dateadd.html>
- Learn how/why to make your work, trainings, events **accessible**:
 - <http://www.disabilityrightsca.org/pubs/PublicationsOtherResources.htm>
- **Call us what we want to be called**
 - <http://www.transequality.org/issues/resources/transgender-terminology>
 - https://www.buzzfeed.com/tracyclayton/stop-calling-women-females?utm_term=.rn8rJ5MM5E#.blKxMq77qQ
 - <http://www.theatlantic.com/business/archive/2014/12/the-financial-consequences-of-saying-black-vs-african-american/383999/>

Thank you! What'd I Miss?

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Clean Slate

East Bay Community Law Center