

Better Lawyer™

a columbus bar publication for new lawyers

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I AM A LAWYER

— NOW WHAT? —

By Matthew D. Austin

“So what do you want to be when you grow up?” is a question that all kids, and some adults, are asked repeatedly. Kids typically answer with the usual stock of broad occupations like a firefighter, clown, astronaut, doctor, professional wrestler, movie star, and even the socially underappreciated garbage man.

Should a child actually answer that he or she wants to enter the profession that has chosen us—yes, I say “chosen us” because if many attorneys knew how the rest of their life will be before graduating law school, they likely would have never attended—the answer usually just ends at, “I want to be a lawyer.” Content with that answer, the questioner typically smiles, says “oh, that sounds nice” and changes the subject instead of pressing the child to identify what type of lawyer the child wants to become—real estate, divorce, criminal, tax, medical malpractice, nanotechnology, or even a management-side labor and employment attorney.

The truth is that very few of us attorneys actually had any idea of what type of lawyer we wanted to be, even after graduating law school. While specializing in an area of law in school is a rarity, actually finding a job in that area is certainly a path least taken for all except those who have prior educational experience (i.e. an advance degree in a certain field) or prior working experience (i.e. a nurse who then goes to law school is typically highly sought after by medical malpractice firms).

Rather than choose the type of law you practice, your main concern after graduating law school was getting a job so you could begin to repay your law school loans. “New lawyers don’t care what type of law they

practice they just want to practice law” is the mantra of how most law firms and hiring attorneys view rookie associates.

As such, third year law students, like cattle, go from one on-campus interview to another and spam the legal market with their resumes and transcripts looking for a permanent position. Those same people generally accept positions at firms that will pay them the most money—and then leave that firm within five years of graduating law school (but the inability of firms to retain top talent is a topic for another article).

After accepting a position with the firm that pays the most money, the associate quickly learns that practicing commercial mortgage backed securities law for a firm with over 300 lawyers is a whole lot different than taking Real Property Law from their school’s most lovable professor. And the reason why it is so much different usually boils down to the fact that the associate’s mentors and/or peers at that firm, along with the firm’s culture, support staff, and expectations are not aligned with those of the fresh-faced attorney.

No other advanced degree program follows this progression. Medical schools have physicians perform residencies before deciding if they want to practice neurosurgery or orthopedics. After taking general courses, MBA programs have their students decide on intensive study specialties like finance or marketing. Even PhD programs expose their students to broader courses before narrowing the field of study down to their chosen focus.

Many progressive law firms now simply hire warm bodies and have those associates be at the beck and call of all attorneys in all departments of that firm. While typically not spoken highly of by associates who must work on an insurance

defense matter in the morning, attend a probate hearing in the afternoon, and prepare a partner’s outline for an environmental deposition in the evening, this method should be lauded as a way for associates to learn what type of law they want to practice and with whom they want to practice.

Although it has taken awhile to get to it, my point is quite simple: because most of us don’t know what type of lawyer we will be until years after we graduate law school, it is imperative that we learn to practice a type of law from someone we respect as a good practitioner and teacher, and in an environment where we feel comfortable.

Too often young associates graduate law school declaring a subject matter they did not like in school (usually because of the professor) is not the area of law that they are going to practice. Others decide early on in their career that litigation is not for them, or that transactional work is not exciting enough—usually because of a partner in that firm.

Conversely, attorneys stick with an area of law because they admire the lawyer who is teaching them how to succeed in their practice. I firmly believe that any area of law can be fun and exciting with the right people. Don’t pigeonhole yourself as a certain type of attorney because that is the area in which you first practiced.

Rather, find legal mentors (whether through a formal bar mentoring program, an acquaintance or friend, or an attorney on the other side of a case) who are or can help identify great lawyers and great people. Then meet and learn from those lawyers. Their passion for what they do is contagious and you, too, will be on your way to a rewarding legal career—even if it is as an offshore asset protection trust attorney.

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