



richik sarkar
Richik Sarkar

Chair | Young Lawyers Section

The **TWO** Rules

On a daily basis (or, as in the case of my articles, on a monthly basis) we young attorneys are bombarded with words of wisdom – “Measure twice, cut once;” pieces of practical advice – “When you are working for Jimmy Jack, it’s always a good idea to catch him early in the day – he may be gone after 2p.m. But keep in mind that often he doesn’t get in until noon;” and, finally, what my mother refers to in Bengali as “gan” – unsolicited advice meaningful only to the person providing it – “When I was a young attorney, I made sure I read the entire Ohio Revised Code before I finished researching a topic.”¹

People have the best intentions in giving us this advice – mentoring, passing along the product of their experience, fulfilling their role in some sort of “rite of passage” – but their information is often cryptic and, since it comes from many sources, directly contradicts some piece of guidance that came from someone else.

Because this section of the Cleveland Bar Journal is full service, I have spent hours reviewing these many tidings, and I have distilled all of this collected knowledge into two simple rules.

Rule Number One

Always make your client look good.

We are in a service industry, and our job is to treat our clients well, make sure they leave us better than they came and encourage them to come back to our office the next time they have a legal issue. As you progress through your career, you learn this rule has many facets, mostly because the definition of who your “client” is changes over time.

Who Are Your Clients?

To answer this question, it will be helpful to review a couple of definitions of client. The first comes from the Merriam-Webster’s Dictionary²:

1 : one that is under the protection of another:
DEPENDENT

2 a : a person who engages the professional advice or services of another <a lawyer’s clients> b : **CUSTOMER** <hotel clients> c : a person served by or utilizing the services of a social agency <a welfare client> d : a computer in a network that uses the services (as access to files or shared peripherals) provided by a server

Etymology: Middle English, from Middle French and Latin; Middle French *client*, from Latin *client-*, *cliens*; perhaps akin to Latin *clinare* to lean — more at **LEAN**

As I’m sure you have learned or recognized from the definitions above, as young attorneys you have many people that are dependent on you. Initially, your primary clients will be the people who assign you work: senior attorneys, judges if you are a law clerk, and, if you are in-house, business people. I refer to this group of people as “internal clients.”

The second definition of client is specific to the legal profession and can be found in Ohio Revised Code §2317.021:

“Client” means a person, firm, partnership, corporation, or other association that, directly or through any representative, consults an attorney for the purpose of retaining the attorney or securing legal service or advice from him in his professional capacity, or consults an attorney employee for legal service or advice, and who communicates, either directly

or through an agent, employee, or other representative, with such attorney; and includes an incompetent whose guardian so consults the attorney in behalf of the incompetent.

The individuals and entities described above are your “external clients,” and as you progress through the stages of your career you will work with them more and more. Invariably, your external clients are your internal clients’ clients, which is a very important thing to recognize when your ultimate goal is to make your client look good.

What Do Your Clients Expect? – The Five Questions

Whenever you do anything for any of your clients, you should ask yourself these five questions:

1. Why they are coming to me for help?
2. What are they specifically asking me to do?
3. What are they implicitly asking me to do?
4. What do they need but didn’t know enough to request?
5. And finally, *How can I help my client make his clients look good?*

There is no question our jobs come with a great deal of responsibility, but it is part and parcel of the career we have chosen. We all aspire to become experts in the areas of the law that we choose to focus our practice on. Developing an expertise requires you to not only be proficient at task skills – doing what others tell you – but to also develop your analytical skills. This requires you to evaluate not only the situation directly before you, but also all of the potential future contingencies and what you should do in the event they become a reality.

I think all law professors tell you that clients don't come into your offices with a "T" for tort issue or "C" for contract problems on their heads, and that is truth. You don't know what will come through your door or across your desk from one workday – and often Saturday and Sunday – to the next. Because it is very rare that any legal situation will fall into one discrete category or another, you need to make that evaluation to service your clients.

Luckily, most of your internal clients will give you time to learn on the job and be understanding when you fail to take all of these things into consideration. Some will tell you exactly what you need to do to answer the five questions, but the best will not only explain what needs to be done, but also tell you why it needs to be done – this is called mentoring.³ The latter is the ideal situation; however, like honeymoons, your grace period will vary by individual and employer. Some people get to take three weeks in Greece and some people can only get time for a weekend at Niagara Falls.

Your external clients expect you to know what you are talking about at all times. In fact they expect you to be as good at your job as they are (or perceive themselves to be) at theirs. In order to truly service your client, you need to know not only what your external client's current problem is, but how this situation fits into his overall business. This requires you to learn about your external client's business and who their potential internal and external clients are. This can only be done by doing research and asking questions. Because client relations and development is such an important aspect of our business, it may be a while before your internal clients put you in front of their clients, but when that happens you know you've taken an important step in your career.

How Can I Make My Client Look Good?

Once you've answered the five questions you have the information you need to make your client look good. You know why they are coming to you, everything they expect of you, and most importantly, you know everything they need to know – including a lot of information your client didn't realize he needed. Being able to identify and understand this last subset of information is essential when your ultimate goal is to make your client look good.

For example: Your internal client – a partner in your firm – comes to you with a question about a contract between his external client – a local company – and an out-of-state party. He asks you to analyze the contract to determine if his client's actions breach the agreement.

Why this partner came to you may be the result of many factors: You impressed him on the

last project you worked on, you have experience with contracts in this area of business or you were the only free hand he could find. You should consider the first two reasons as affirmations that you are doing well. You should view the third reason as an opportunity to excel.

Clearly, the internal client has specifically asked you to analyze the contract; however, the process of answering questions three, four and five is how you make your client look good.

For example, an implicit question is what law applies – Ohio law or the law of the other state. Even though your internal client didn't ask you to consider this specific issue (or didn't realize that it may be relevant), it is just one of the many factors that needs to be addressed in order to satisfy your internal client's needs. More importantly, it may be an issue the external client did not consider in the context of this particular situation, but one that may also be relevant to other contracts he has with other parties – relationships you learned about through your own research and by asking educated questions.


Considering all aspects of the situation presented to you, taking the next step and anticipating potential issues and solutions gives your client – and his client – the tools to help themselves

now and in the future. **THIS MAKES THEM LOOK GOOD TO THEIR CLIENTS.** The concept is not rocket science, but it seems elusive to many attorneys, young and old. Making your client look good demonstrates a respect for their limited time and resources. More importantly, it demonstrates a skill set and vision that internal and external clients are always looking for to satisfy their immediate and future needs.

Rule Number Two

I know you've been reading this article wondering when I would get to rule number two. So here it is:

Never forget rule number one.

Re-read the foregoing and start applying it to your practice. I think you'll find it is one of the more useful pieces of advice you will ever receive. 

Richik Sarkar practices in the business litigation and financial institutions, securities and broker-dealer groups of Ulmer & Berne LLP. His practice is focused on representing parties complex and class action litigation, appellate litigation, administrative proceedings and alternative dispute resolution in commercial, product liability, real property and public law matters.

¹ While this is a slight exaggeration, you should keep in mind that when people are criticizing young attorneys for not having a complete grasp of all the law, it is likely that when the person who is pontificating was a young attorney, much less law actually existed than does now.

² I know what you're thinking: "his last article had a lot of definitions in it. Does he think we're stupid?" The answer to that question is NO. However, when examining an issue it is best to begin at the beginning and identify exactly what it is that you are talking about. The fact that these definitions also help fill my recommended word count is just serendipity (you can look that definition up yourself, watch the movie, or contact me at rsarkar@ulmer.com and I will provide it to you).

³ The subject of mentoring will be addressed next month in my article "Mentoring Is in the Why?" which will be available on your newsstands in December. That said, I'm not sure if we offer the Cleveland Bar Journal on newsstands, although if we did I'm sure that my mom would buy all of them, so you really need to join the Cleveland Bar Association to make sure you get your copy.

The Second Annual Books for Kids

Scrooge-Gratchit Labor & Employment Holiday Benefit



Dec. 1, 5-8 p.m.
Pickwick & Frolic
Restaurant & Club,
2035 E. 4th Street

Go to www.clevelandbar.org