

Commentary

Lessons From a 1st-Year P.I. Associate

By Adam Lederman

Most law students graduate from law school, spend a grueling summer studying for the bar exam and, upon passing it, feel like a seasoned attorney. As I look back on my first year as an attorney, I can now see that I knew very little about practicing law, let alone excelling at it.

Interestingly, my first week as an associate was spent on jury duty, a perfect opportunity to sit with a group of people I will spend the rest of my career trying to convince. It provided me with a good starting point for seven lessons I'd like to share with attorneys entering the practice of law.

1. Personal injury cases are driven by the facts, not the law, and can be won or lost in the first few weeks. For example, in a soft-tissue case with significant property damage, obtaining property damage photographs before the car is repaired can mean the difference between a verdict and a no-cause. A simple inspection of an accident scene and a conversation with your client about the injury can help develop a theory of liability early on.

2. You should spend every possible minute learning from the pros. It is one thing to hear an attorney tell you to be nosy at depositions, take the lead and speak first at arbitrations, or take command of the courtroom at trial. It is another to see it firsthand. During my internship at my current firm, I observed hundreds of client intakes, interrogatory appointments, depositions, arbitrations

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and trials, and that put me in a better situation when I did them myself. These skills can be learned in other ways as well. The New Jersey Association for Justice, for example, provides seminars throughout the year.

3. It is crucial to manage client expectations. Early on, I was speaking with a client during his interrogatory appointment and he asked whether I thought his case was a good one. I told him I thought it was great. All that did was inflate the value of the case and his expectations, and it made obtaining a reasonable settlement impossible. Never give a client a dollar amount; it is better to discuss the positives and negatives of the case.

4. Rely on your training. As a first-year associate, your skills are not polished enough to offer solid advice on litigation strategy. But you do have something to offer — a mind trained to memorize and learn. I was told to read New Jersey Auto Insurance Law, the New Jersey Court Rules, New Jersey Attorney Ethics, New Jersey Premises Liability and New Jersey Rules of Evidence. Now, when we strategize about cases, I have something to add — my knowledge of the rules.

5. Clients love to hear from their attorney. Take the time to explain the process in layman's terms. Clients will appreciate it immensely; most of them have no idea what proximate causation or trial de novo are.

6. If a case sounds too good to be true, it probably is. A related piece of advice is to exercise caution when new clients say their previous attorney sent a letter urging them to find a new one. Don't hesitate to call that attorney; you may find out that the 90-day tort claim

notice was missed or that the fraud department of the insurance company is investigating the validity of the claim.

7. Being a successful attorney has more to do with your ability to network and bring in cases than it does with your ability to research the law and write memos. Everyone you meet can be a potential referral source. Get their contact information and spend time at the end of each day updating your contact list. Put in important dates such as birthdays and children's names. This will allow you have a conversation on a more personal level.

Other lawyers can be great referral sources. Joining your local bar association is a good way to meet attorneys from all practice areas. While my firm specializes in personal injury law, I get calls from clients who need advice on criminal, or landlord/tenant or other matters. Developing relationships with local attorneys who don't practice personal injury law allows you to confidently recommend an attorney in a dif-

ferent field from yours and helps build your network. Networking outside the legal profession helps, too. Doctors are constantly hosting social events where you can meet other professionals in our field. In addition, business networking groups have sprouted up all over.

Overall, my first-year associate's



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A crucial tip: manage client expectations.

experiences can be described as both exciting and exhausting. They allowed me to do exactly what I wanted. I got to be on my feet and advocate for my clients, to interact with people from all walks of life and to feel truly good about what I do when I go to sleep at night. ■