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15 "Don'ts" for Lawyers

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Much career advice focuses on what to do and how to do it, but what *not* to do also matters. Behavioral mistakes hinder careers. *Faux pas* can linger in the memory far longer than they took to occur. For this list of workplace *Don'ts*, I polled partners to receptionists, seasoning their advice with examples from my own experience.

1. Don't take credit for others' work. Lawyers working in a team create distrust and animosity by claiming personal credit for a group effort. At times, a particular individual does the lion's share of a team's work or single-handedly articulates the winning strategy for a case. Even then, boasting is unseemly. Those you alienate won't be in a hurry to work with you later.

2. Don't hoard information. Failure to share what you know can result in others working with the mental equivalent of their hands tied behind their backs. I've known lawyers who tried to gain an advantage by limiting information flow, calling meetings when others were unavailable or limiting email distribution, for example. Limiting input and participation increases the odds of unsatisfactory outcomes for clients.

3. Don't cover up mistakes. No one's perfect. Mistakes generally get worse when ignored or covered up. I once worked for a mortgage company whose loan administration staff paid real estate tax bills. A clerk missed the tax due date and tried to hide the late fee. He squirreled away the bills, which continued to accrue interest and late charges. The county finally foreclosed its tax lien, wiping out the lender's mortgage. A molehill of a problem required

About The Young Lawyer

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a mountain of effort to repair. Own up, fix what’s broken, learn from your mistakes, and move on.

4. Don’t disappear. Maternity leave, bereavement, or disability can mean weeks or months out of the office, but absences can be managed without breaking career stride. Call colleagues and clients during long-term absences. Find time to pitch in on work assignments occasionally or be helpful in other ways. For example, your offer to review a brief for a coworker grappling with a filing deadline may seem a godsend. If you’re under extreme stress, you can offer to do less rigorous tasks, even if you’re overqualified, like cite checking or editing. Initiative tags you as involved, cooperative, and professional. Moreover, reviewing outgoing client memos, newsletters, and briefs will keep you current on the firm’s activities and ease your reentry. Extended leave should also include contact with clients. Competitors moving in on your clients in your absence will be less likely to succeed if you and your clients are communicating regularly.

Disappearing acts also occur at the office. I’ve known “stealth lawyers” who work behind closed doors, always lunch alone, and don’t attend firm functions. A rare few lawyers can succeed by flying solo within a firm, but for the majority, this approach is viewed as eccentric, or worse.

5. Don’t avoid unpleasant realities or delay fixes. Some lawyers go to great lengths to avoid confrontation with coworkers. But addressing bad news need not be confrontational. A straightforward approach, communicated early enough for possible remediation, is more productive than ducking. Consider the need to give a poor performance review, for example. Delivering this message can cause anxiety for the messenger but delay prolongs the discomfort, which can be unwittingly projected onto the subject of the conversation. In other words, if I have to tell you you’re not going to be promoted, stewing about delivering the message can cause enough anxiety for *me* that I blame *you* for making me feel this way.

People appreciate straight talkers because they know they can count on them for the truth. Those who avoid unpleasant communications or beat around the bush may be viewed with distrust.

6. Don’t procrastinate. Some tasks you just don’t want to do. These can be administrative tasks, such as reviewing your 401(k) plan, or client work, such as putting together a deal binder after a closing. Delays can be costly—important papers find their way to the bottom of the pile, sometimes with unhappy consequences. Time runs out on benefit enrollment periods, important deadlines pass, and subscriptions lapse.

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When delay involves tying up a client matter, your memory may fade so that the wind-up tasks take longer than if you’d done them promptly. A final bill may have gone to the client and it can be awkward to bill additional time, or the additional billing may provoke questions from a client who thought he’d seen the last of the bills. Working steadily and efficiently reinforces good work habits and leaves more time for continuing education, marketing, and publishing, if the billable pipeline runs dry temporarily. Procrastination wastes those opportunities.

7. Don’t reinvent the wheel. Lawyers solve problems. Indeed, intellectual challenge is a primary attraction of the profession. However, successful outcomes often start with understanding the work of others. In firms whose clients have recurring types of questions, there is likely to be useful information in the firm’s files. Most firms have knowledge management systems that attempt to consolidate work product by subject matter, laws involved, or in some other manner. Referring to prior work can add efficiency to the effort, with cost savings for clients. Moreover, consideration of the firm’s prior advice will help ensure consistency of approach if necessary.

Legal tools and analyses are widely available at low cost. Websites such as JD Supra and LexisOne aggregate cases, legal memos, briefs, and commentary that practitioners should review, not only to inform themselves, but because clients are reading them. Clients are increasingly unwilling to pay for knowledge that’s publicly available, so the burden is on their counselors to build on the existing knowledge base, not reconstruct it.

8. Don’t count your chickens before they’ve hatched. In this metaphor, chickens are fees and hatching is collection. Landing a lucrative assignment can easily turn to premature anticipation of the fee or fantasizing about how you’ll spend it. But clients change their minds about assignments, or business developments sometimes negate the need for proposed work. Cases settle before trials begin, and deals fizzle out during due diligence. Moreover, sometimes clients don’t pay their bills or don’t pay them in full. Making plans based on workflow is reasonable but making binding commitments in anticipation of unearned fees is risky.

9. Don’t badmouth your firm or its clients. This tip is almost too obvious to state, but bears repeating. Everyone is frustrated at the office occasionally, and clients can be demanding or unreasonable; but when a lawyer disparages his firm, others grow skeptical. Certainly prospective clients aren’t going to be eager to send work to a firm whose own lawyers are openly dissatisfied.

10. Don't forget the Golden Rule. Notwithstanding casual Fridays, most law firms and corporate law offices are not casual workplaces. While all professionals should be treated respectfully, an extra dollop of courtesy is appreciated by senior attorneys, if only because they feel they've earned it. One reason people choose legal careers, after all, is because legal advice is valuable and lawyers are respected members of their communities. Discourtesy is not soon forgotten.

When I was newly barred, my grandfather visited my office. We stopped by several offices for introductions, and a young associate was on the phone with his feet propped on his desk. After he ended his call, he kept his feet on his desk while making small talk. It left a lasting impression, and not in a good way. There's much to be gained by workplace good manners.

11. Don't assume you know who's calling or why. Sometimes we make assumptions about what we're about to hear, but assumptions can be wrong, counterproductive, or both. A receptionist once announced, "Your husband is on the phone," so I cooed, "Hi darling," to a caller that turned out to be a client. The receptionist hadn't asked the caller's name but made an assumption based on his voice. I compounded the error. Now the receptionist asks for a name every time, and I answer my phone with my name, not with endearments.

12. Don't gossip. Passing along juicy tidbits can feel irresistible, but gossip isn't only unprofessional, it can be actionable. Gossip and rumors also have a tendency to become magnified over time. Fundamentally, people don't trust gossipers to hold their tongues when appropriate. An indiscrete lawyer doesn't gain the confidence of others.

13. Don't comment on personal appearance. Most people have learned not to remark on the appeal of co-workers because of the risk of claims of harassment. What's still problematic is the blurry line between acceptable and unacceptable comments, particularly where compliments are involved. Here's an example from a style-conscious female lawyer: A male co-worker told her the high-heeled shoes she wore during the day were better than the snow boots she wore heading home. His attempted "compliment" made her feel she'd been under physical scrutiny, a prospect she found distinctly creepy.

14. Don't cry. In the movie *A League of Their Own*, the coach of a women's baseball team bellows, "There's no crying in baseball!" There is also no room for crying at a law office. Disappointments and sadness are inevitable, but tears complicate responses. Studies on the effects of women's tears, particularly on men, indicate tears have no influence on empathy or sadness. Rather,

tears can make a person so uncomfortable that he or she finds it difficult to speak candidly with the crier, which minimizes opportunities for communication. Reduced communication is undesirable in law offices.

Sometimes, a lawyer simply can't control his or her tears. If so, temporarily leaving the room to regain composure is better than openly sobbing. Regular waterworks causes people to think they're being manipulated.

15. Don't overshare. The office isn't the place for details of your health, religion, sex life, or finances. It's better to maintain a reasonable zone of personal privacy. If someone comments on a photo on your credenza, for example, a simple "thank you" is preferable to a detailed account of your family. If you come to the office with a limb in a cast, the surgical details are best kept to yourself. Discretion is an attribute for lawyers, and oversharing suggests shortcomings in this regard.