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Expert Analysis

## What I Wish I Knew Then: An Interview With Carl ‘Chip’ Loewenson

By Steve Cohen

**C**hip Loewenson is a partner at Morrison & Foerster. His practice focuses primarily on white-collar defense and regulatory matters. He has also handled significant civil litigation, including cases involving civil RICO, securities fraud, and trade secrets. Prior to joining MoFo in 1990, he was an Assistant U.S. Attorney for the Southern District of New York. He is a graduate of Princeton and Yale Law School, and was a Fulbright Scholar. He provided the following practical advice for newer attorneys.

### The Big Picture

Whatever kind of job you have—whether it’s at a large law firm, a small boutique, in a government job, or working for a public interest organization—you want to think strategically. Think about the client’s goals or the organization’s objectives. Don’t just sit back and wait for a defined assignment, whether it’s a specific research memo, a document review, or some other discrete project. Think strategically, think big picture, think pro-

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actively, think like a partner or a business owner. Nothing is more helpful to senior lawyers—or to the client—than for you to be giving them those kinds of bigger-picture ideas. And it’s a way to make yourself stand out and to get more interesting and more challenging assignments.

Most of my early professional years were at the U.S. Attorney’s Office. The importance of thinking strategically was thrust upon me because there you are responsible for the cases on your desk. So, you have to think strategically; you have to think about

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This latest installment of 'What I Wish I Knew Then' includes career advice from Chip Loewenson, a partner at Morrison & Foerster.

how to get from point A to point B in the case. Interestingly, before I was at the U.S. Attorney’s office, I spent a year at the ACLU, and I was given similar advice. My boss at the ACLU was Burt Neuborne, who was the National Legal Director and who is still on the faculty at NYU. He told me: don’t just do the assigned work; think about how you want to move the case and win the case.



Carl Loewenson

### Ask for More Responsibility—Even If You Think You’re Not Ready

Always try to ask for more responsibility, and don’t think that you can’t do it. If you’re in a firm, and there are depositions that needs to be done, ask to do it. Volunteer. Partners at law firms and supervisors in non-law firm jobs are typically really busy. They want you to lighten their workload. Most bosses really like it that someone is pushing to do more, whether it’s a deposition, or arguing a motion to dismiss, or anything else. And if they think you’re not ready for it, they’ll tell you no. In fact, they should tell you no, because they’ve got a responsibility to supervise. But I’ve always really liked it when young lawyers say, in effect, “Hey, Coach, put me in, I want to do it.”

## Know What Is Going in the World and Your Field

Keep current on the news in your field. That means if you're working in a firm that has a client in the oil and gas industry, know what's going on in oil and gas. Know what is happening internationally, in the industry, in science, in Congress, at the regulatory agencies, and in the states. Any of these might affect your client's business—not just their legal issues. If you're working at a civil rights organization, know what is going on not just nationally, but at the state and local levels. Read all of the recent decisions from the U.S. Court of Appeals for your circuit and the U.S. District Courts in your district. Whenever someone mentions a recent case, you want to say, "Yeah, I read it. This is what I thought ..." This sounds old fashioned, but it is still relevant: When I was starting out at Morrison & Foerster, it was a natural thing for me to start each day by reading the New York Times and the Wall Street Journal. Now, I know that few people still get their news via physical newspapers—or even the old-time mainstream media. But find the equivalent of trusted sources—whether it's Bloomberg News, or BuzzFeed or Axios or you-name-it. And read them *regularly*; *religiously*. Stay current. When someone says, "Hey, have you heard about that foreign exchange investigation?" Your answer is going to be, "Yes." Your response should never be, "Well, I don't know, I've been really busy. I don't read in the morning. I play Candy Crush on the subway." Make it your business to stay informed and current.

### Be Present!

No, I don't mean you have to be physically present in the office.

We are all getting used to many varieties of hybrid work or totally remote work. Since a lot of our work is now done by Zoom and Microsoft Teams, I want to share one of my pet peeves. When you're on a Zoom call, whether it's with a client, with an adversary, or even in an internal meeting within a firm, keep your camera on—unless you're doing something that's really important that shouldn't be on camera—like taking a phone call from your mother. It's shocking to me that so many of our young lawyers will be on an internal firm call—whether it's for a case, for a practice group, or just an office meeting—and they just leave the camera off the whole time. That is a really bad habit.

Now, I know some people might feel self-conscious about their living situation. But that's what Zoom and Teams backgrounds are for. Keeping your camera off is clueless. Sometimes you may have to get up and leave for a bit, and that's fine. Understandably, people don't want to be eating on camera—even if it is a lunch meeting. But when people don't have their camera on, I'm thinking maybe they're doing their laundry, maybe they're doing yoga. I don't know what they're doing. But the message is they're not paying attention; they're not engaged. It would be like being in a meeting in a conference room, and just pulling out a newspaper and reading it. It's saying, "Look, I'm multitasking because I'm not that interested in what you're saying."

### Create Personal Bonds

The best piece of advice I got when I was leaving the U.S. Attorney's Office—and going into private practice—was to create

personal bonds. It seemed so obvious and yet surprisingly elusive. When you're meeting with a new client or a prospective client, create a personal connection. The most basic way is to try to meet with them alone. It's a way to start the relationship in the right way, create a personal bond, send a signal that you will be personally responsible for their important legal matters, and always be accessible. Of course, this advice should be ignored for the huge case where the client or potential client wants to see the depth of your bench or in a pitch where you are presenting several practice groups.

Just a few years ago—before COVID—when people actually met in person, I had a little "ritual" intended to convey my commitment and accessibility. At that time, our business cards—you remember what they were—had only the office phone number and address. As the meeting ended, I would hand the person my business card. But before I did, I hand-wrote my mobile number and home number on the back of the card. And I would say, "You can call me at these numbers any time." It was a way of signaling to them that I would be available, any time day or night. I intentionally didn't want my mobile phone already printed on the business card because by taking the time to handwrite that personal number I was saying, "Look, I'm going to give you this number." It signaled something special.

### Screw-ups Will Happen

In every career, there will be stumbles. It is not a question of "if" but "when" they happen; and what you do next. There are lots of clichés: Dust yourself off and get back on the horse; whatever

expression you prefer. Another cliché, because it's true: Don't hide the ball; make timely and full disclosure to anyone who must or should know—your supervisor, the client, the court. It all depends on the situation. But as Richard Nixon and so many others have learned, it's the cover-up that gets you. Lots of clichés cover this situation, because it's good advice, and it is well-covered ground. And good to remember that it happens to all of us.

### The Work-Life Balance

I want to address the work-life balance. Obviously, everyone has different personal situations and different resources. My wife and I have three children. She too is a white-collar defense lawyer and was working every day. Happily, the kids are now grown, thank goodness. But when they were all young, it was hard. What we did—and I've given this advice to a lot of young lawyers irrespective of gender—is get as much childcare as you can afford. If you want to be a successful lawyer, it's really hard to be a successful part-time lawyer. I think that's a trap. If both parents are working—and lawyers work hard—you need abundant childcare. I fully recognize that this will be easier for families where one or both parents have a well-paying law job. I know that this solution of abundant childcare is not the right answer for everyone. Lots of lawyers in government or public interest jobs may find it more difficult. I get that.

If you can pull it off, there is a second reason for investing in weekend childcare: self-care. If you're working hard as a lawyer and working hard taking care of three little kids, you might want—and need—a little bit of relaxation

on the weekend. And quality time with the little ones. Part of relaxation may be to spend your precious non-work time with the kids, not doing laundry, vacuuming, food shopping, and other chores. We're close to our kids and spent a lot of time with them when they were young. Burnout is a risk. Having enough and the right kind of childcare and home help can really, really help your career and your mental and physical health. Don't skimp; invest (if you are fortunate enough to have the resources).

One thing I learned from Burt Neuborne at the ACLU was to be cognizant of why you might be working on the weekend. (Successful lawyers often find themselves working on the weekend.) He said that if you find yourself in the office on the weekend, it should be for an important task. It should be because there is a brief that's due soon or a trial that's coming up. But don't go into the office just to do some cleanup work or administrative chores. He told me that's an early warning sign of workaholism. Burt was very conscious of the work-life balance. He is a very hard worker, a superb lawyer, a great boss, and a great dad.

### Leading by Example

I think it's important to lead by example and to stay engaged. As a lawyer, you have to stay engaged in the details of your cases. It's really hard to be an effective lawyer if you don't know the details of what's going on in a particular case. It becomes more challenging as you become more successful, and you have more to deal with. But it's hard to give a good argument in court, or good advice to a client, if you don't know what's going on. Some of the most

important advice we give to clients are judgment calls that are often highly fact-dependent. So, you've got to stay engaged and on the ground and remain a detail person.

It is also important as a leader and as a supervisor to give frequent and honest feedback. It's something that we hear a lot from our associates: They want constructive criticism. But honestly, sometimes it's difficult. I find that most associates want candid assessments. But not all. There are exceptions where I've given some feedback that was not wholly positive, and it was not well received. Usually, people truly appreciate it, but not always; people tend to focus on the negative things they hear. So, the advice I'd give young lawyers is really listen to what is being offered. You want to know where you can improve; and you want to hear when someone is giving you advice on how to be a better lawyer. Take it in, even if at first it is hard to hear.

If you are being told that things are not working out and you should move on, it is not the end of the world. One door closes and another one opens. There are other things you can do that may be better suited to your skills, that might make you happier. It's a big world out there, and you can try something different.

