

Climbing the Ladder > column



By **Seth E. Darmstadter**

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An 'old-school' approach

I have yet to embrace the social networking revolution. No Myspace. No LinkedIn. I do not have a Facebook profile and I do not tweet.

For all those reasons, coupled with the fact that my waistline seems to expand an inch for every quarter-inch my hairline recedes, I suppose I am an old man tasked with writing an advice column for young lawyers.

Turns out, I think it is a reasonable task, because lots of what works in our profession requires an "old-school" mentality. For example, formal writing, formal dressing, professional courtesy and asking for help all are lost arts that in 2011 still separate successful young lawyers from those in need of a professional makeover.

One of the reasons I have resisted the social networking craze is that I see a troubling tendency among some of the people who constantly LOL while tweeting on their smartphones.

Often, the casual abbreviation-heavy lingo that is absolutely acceptable and necessary in spoken or texted conversation makes its way into young lawyers' written work product.

When I research this column, I speak to judges and law firm partners who tell me without fail that there is a recognizable efficacy to the formality of properly written briefs. They see this as a dying art in need of saving. Young lawyers who adhere to traditional formalities in their written work are benefiting because courts respond more favorably to that work product. Our profession requires its practitioners to dress formally in court, to address judges by their title and even to address our opposition either as counsel or Mr./Ms.

We like to think of this as a noble profession, but the only way to keep it that way is to treat it and, each other, with respect.

I have written ad nauseam about civility among lawyers, but a recent Federal Bar Association luncheon reminded me that civility is not just about how we speak, it also is about how we write.

As one judge put it, there is a big difference in writing in a brief, that your opposition "fabricated" or "misled" the court with its "shocking" or "outrageous" argument and simply stating that your opposition's argument fails for the following three reasons.

Formality matters in our speech, and it matters in our writing and it matters in our attire, as well.

We would not dare walk into a courtroom wearing jeans and a sweater.

I have never seen a rainmaking partner conduct a client meeting or take a deposition without at least throwing on a dress shirt and a sports coat.

Many of my peers have not gotten the memo.

I can count more than five occasions in the past two years when I have walked into a conference room with a witness to take or defend a deposition and the opposing counsel, a young lawyer, is dressed casually. The moment I see the casual opponent I grow more confident.

Whether or not it is true, I associate that casual dress with casual preparation and use that advantage to focus on details. Quite simply, by dressing and acting casually in a professional proceeding you give the other side an immediate tactical advantage — all to save a few dollars at the dry cleaners?

Finally, for all you junior associates out there who haven't already turned the page, I saved the simplest, but most important tip for last: When you don't know how to do something, or you are having trouble completing a seemingly simple assignment, ask for help.

I know it sounds ridiculous, but associates are scared to ask questions.

At my firm, I have always been taught that the practice of law is an apprenticeship. I have been fortunate to work for individuals who understand that my success and training reflects well on them.

I do not know of a single senior associate or partner who is too busy, or too important, to answer a direct question from an associate who is doing work for him or her. However, if you do not feel comfortable asking for help from the person who assigned you a task, ask someone else.

To this day, in my seventh year out of school, there are certain partners and other associates whom I call regularly with questions — their answers get me on the right track and allow me to efficiently and correctly complete my tasks.

This all goes back to my very first column, where I wrote that new associates should never cut their own time because the partners need to know the actual amount of time that associates spend on assignments, both for the partner's own growth as a manager and for the associate's ongoing training.

Nine times out of 10, by asking reasonable questions, we can avoid mistakes and misunderstandings.

As I write this, I do not feel a day older than I did in 2004 at my law school graduation. But I have learned over the years that while the old-school rules of formality in the practice of law may not seem current, or cool, adhering to them results in success — the coolness of which transcends generations. ■

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