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Planning Your Career in Law Practice

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If you are a law student concerned and unsure about what happens after graduation, and still trying to identify your preferred professional role, this Article is designed to help you enhance your opportunity to find the right law practice role. The Article's premise is that a career in law is something for which you can and should prepare, just as you prepare for oral argument in court by writing a well-researched and thorough legal brief. The Article is based on a course offered by the author at Suffolk University Law School where students examine themselves and their practice opportunities within the legal profession to find a career that fits them, and to find how they might make this career a reality.

I. INTRODUCTION

A. Why Planning Matters

If you are a law student anxious and uncertain about your career post-graduation, and still trying to sort your preferred professional role, this Article is for you. It is designed to help you do research on both yourself and the legal profession so that you can enhance your opportunity to find the right professional role for you.

This Article is based on a simple premise: You should prepare for a career

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in law in the same way you would prepare for oral argument in court by writing a meticulously-researched and comprehensive legal brief.

Like many young lawyers, you may be planning to look for a job at a firm after graduation to try it out. The legal market, however, has become more challenging than ever, and it is often difficult to find entry-level positions in law firms. Furthermore, despite the time and effort spent in the placement process, many lawyers find themselves dissatisfied with their careers.¹ Do you really want to leave your future to chance? Finally, what if you want to use your legal training for a purpose outside conventional law practice? Where would you begin to look?

There ought to be a better way. For the last twenty-five years, the author has offered a course at Suffolk University Law School in which students examine themselves and opportunities within the profession to find legal careers that fit them. This class also provides students the ability to strategize to make these professional opportunities a reality. This Article is based on that course.

B. To Succeed, Plan to Serve Both Yours and Your Clients' Needs

It is as much a challenge for you to find the clients and work that fit you as it is for clients to find the lawyer that fits them and their needs. For example, while you could conceivably set up a bankruptcy law practice if market research disclosed an unmet client need, would you want to do that if you did not enjoy the work? Also, while legal education can help prepare you for practice, there are many different roles, and some of them require further training or experience.² So, what kind of legal work do you want to do? This question should serve as your research basis in uncovering your needs and the professional roles that may fulfill them.

C. To Plan Right, Write Your Plan

Is research enough? It is a precondition, but you will also need to spend the time writing about your research and rewriting it, the same way you would draft a brief. For example, a testator may know what outcome is desired, but until the testator's attorney captures that intent in an appropriate and clear testamentary document, the testator's intent is just a wish and not a will. That

1. See RONIT DINOVIETZ ET AL., NALP FOUND. & AM. BAR FOUND., AFTER THE JD: FIRST RESULTS OF A NATIONAL STUDY ON LEGAL CAREERS 53 (2004), www.americanbarfoundation.org/uploads/cms/documents/ajd.pdf [<https://perma.cc/JPH4-VVPD>] (describing legal professionals' level of satisfaction with career). For example, in 2004, the American Bar Association (ABA) and the National Association of Legal Professionals found that forty-four percent of lawyers new to the practice planned to change jobs within the next two years. See *id.*; Jerome M. Organ, *What Do We Know About the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being*, 8 U. ST. THOMAS L.J. 225, 264 (2011) (finding experienced attorneys feel more satisfied with their jobs than newer attorneys).

2. See MODEL RULES OF PROF'L CONDUCT r. 7.4(d) (AM. BAR. ASS'N 2016) (detailing restrictions on lawyers declaring specialization certification).

is why your task is to write, as well as to read, about your professional future, recognizing that while the plan may change, the exercise of writing the plan itself will be helpful in its own regard. Also, writing your plan helps you to structure your thinking, reveals holes in your research, exposes flaws in your logic, and moves you closer to a commitment. Experience with Suffolk University Law School students indicates that even if a plan appears provisional, the act of writing it, and the analysis that goes with that work, can make all the difference. Even though your plan will need revision as you and your circumstances change, initially writing your plan can help provide a benchmark for both long-term and day-to-day decisions. In short, to plan ahead, you need to plan to write.

Finally, what if you are not sure you want to practice law? The self-knowledge and knowledge of the profession gained by planning will help you take full advantage of the law school experience because you can target your courses, internships, and clinics, as well as your part-time or summer work. Like providing an appropriate foundation for an expert's opinion in court, planning can help make your choices more persuasive. So, in summary, plan to plan.

II. FIND YOUR LEGAL CAREER FOCUS

A. *The Importance of Choosing a Career Focus That Is Also "Good Work"*

Many students come to law school without a professional focus and do not develop one while enrolled. During law school, students' personal and professional aspirations—what they want and what the profession offers them—are wide-ranging. Today, due to the high cost of legal education, many students do not invest time in exploring their professional focus because they are just hoping to get any legal job after graduation. In a sense, these students consider themselves venture capitalists in their own future. If you are one of them, then your challenge is to find a way to narrow both your personal and professional focuses to find your preferred legal role. What are the characteristics of such a role?

If possible, it is important to begin your career with "good work." Professor Howard Gardner of the Harvard Graduate School of Education and Director of the GoodWork Project, has defined "good work" as a career that is based on "excellence, engagement, and ethics."³ What does "good work" mean to you?

First, it requires technical excellence, something that law school should help prepare you to achieve. Second, "good work" requires service to your clients and your community; again, something that law school should help you

3. See *About Us*, GOOD PROJECT, <http://www.thegoodproject.org/about-us/> (last visited Nov. 14, 2016) [<https://perma.cc/Z654-CFGJ>] (defining concept of "good work" and outlining project's mission).

understand. What about engagement? That requires research—both about yourself and the nature of law practice—to find what engages you most. Ultimately, you want to be able to capture this set of choices about a law practice focus into just a few words so that you can articulate it clearly to yourself and to those with whom you want to work.

Consider the experience of Massachusetts attorney Stephen Small. Mr. Small served for a period with the U.S. Treasury Department. While working there, he was the principal author of the federal income tax regulations designed to implement the provisions of § 170(h) of the Internal Revenue Code, which provides for a charitable income and estate tax deduction for the gift of a conservation restriction on land to a qualified nonprofit or governmental recipient.⁴ Mr. Small, who was originally from Boston, returned to private tax law in 1982.⁵

His practice began to grow, however, when he realized that rising real estate values were starting to create estate tax problems for families that owned long-held family land. Owners' estates often had insufficient liquid assets to pay taxes due, forcing distress sales of family lands. This situation led Mr. Small to begin focusing on solving the problem of parents who wanted to pass the family land to their children, and the children who expected to inherit the family's land from their parents. The key was to impose an enforceable conservation restriction, which allowed those families to claim the devaluation as a charitable contribution and reduce the taxable value of the family land for federal estate tax purposes.

In the spring of 1998, after attending a conservation group program in Boston's North Shore that targeted owners of "family lands," Mr. Small authored a self-published book with the support of his law firm, *Preserving Family Lands*, that outlined these issues.⁶ As book sales increased, Mr. Small began receiving inquiries from landowners throughout New England and across the country about the techniques discussed in his book. Through this experience, he established a successful law practice and an engaging legal career that served an important client need. Mr. Small followed *Preserving Family Lands* with three other books, and has continued representing landowners and land conservation groups.⁷

4. See 26 U.S.C. § 170(h) (2012) (regulating available tax deduction for charitable contributions).

5. See *About*, STEVESMALL.COM, <http://www.stevesmall.com/about> (last visited Nov. 14, 2016) [<https://perma.cc/T3J2-E8NJ>] (describing Small's legal career path).

6. See generally STEPHEN J. SMALL, PRESERVING FAMILY LANDS: BOOK I: ESSENTIAL TAX STRATEGIES FOR THE LANDOWNER (3d ed. 1998) (highlighting potential tax and property issues and solutions for landowners).

7. See *id.* (detailing shift in Small's career focus).

B. How Do You Find a Legal Career That Fits You? Start by Finding More About Yourself and Law Practice

So, how do you arrive at a law practice focus that fits you like Mr. Small's focus fits him? This Article suggests that you can find an answer by conducting research on yourself to find what criteria are critical for you in evaluating a professional opportunity; conducting research on various law practices to determine which best meets these criteria; and linking the results of your research in a written statement about your preferred legal career.

Throughout this process, it is as if you are acting as both client and attorney at the same time. When first meeting with a client, a lawyer often asks questions to gather initial information on the problem, uses it to shape a possible analysis of what to do in light of the applicable law, and then tests the analysis with more questions, moving towards ever more focused solutions for a client's problems.⁸ The same is true here with an emerging understanding of yourself and the professional world you will soon enter. With that in mind, how do you proceed?

III. RESEARCH YOURSELF

A. To Evaluate Opportunity, First Evaluate Yourself

You may be tempted to bypass this section and move on to the professional issues. Nevertheless, like a good legal opinion, the conclusion you reach is likely to be only as good as the reasoning behind it. Just as an attorney would not offer expert testimony without qualifying the witness, you need to lay an adequate foundation for your conclusions. In other words, if you want to be able to evaluate a professional opportunity, you need some criteria against which to measure it. What may be relevant for a classmate may not be at all relevant to you.

Questions to ask yourself include: What is special about you? What is your background? What are your values? What do you have a strong passion for? If you are going to distinguish yourself from other lawyers, how do you make clear to potential clients what you can do for them that your potential competitors cannot? These are issues explored further below.

At the same time, it is important to recognize that self-knowledge has been considered one of the primary objectives of education. Lawyers are often focused on external considerations—case law or a client's problems—and not focused internally on the question of what *they* want. Indeed, after some

8. See R. Lisle Baker and Daniel P. Brown, *On Engagement: Learning to Pay Attention*, 36 U. ARK. LITTLE ROCK L. REV. 337, 339-41 (2014) (offering guidance on attentiveness with clients). See generally GARY BELLOW & BEA MOULTON, *THE LAWYERING PROCESS: MATERIALS FOR CLINICAL INSTRUCTION IN ADVOCACY* (1978) (offering guidance on client intake, among other topics).

interval in practice, many lawyers are momentarily perplexed when asked what they want, because their first instinct is to ask, “who is my client and what does my client want?” Thus, for lawyers, the process of self-evaluation may require special effort.

B. One Way to Begin: Treat Your “Case” Like Pretrial Discovery

Because self-evaluation may be difficult, think of it this way: You would not go to trial on a major case without pretrial discovery. Beginning your legal career without preparing yourself is like examining a witness at trial without knowing what that witness will say. Hence, it is necessary to devote time to self-discovery. To get a clear picture of yourself, you need to get snapshots of who you are from different angles in order to create a comprehensive image of yourself based on the evidence. For example, if you are trying to prove that “the Butler did it,” it would be good to have testimonial evidence, such as an eyewitness, but even better to have a signed confession. The more relevant evidence you have, the more likely it is that you will prove your case. The same is true of your own professional future.

IV. TOOLS FOR SELF-DISCOVERY

A. Learn from Your Past

1. Take Your Own Deposition

When attorneys prepare a case where a witness will offer important testimony, it is common practice for the attorneys to take depositions or pose interrogatories. Thus, the first place to begin is taking your own deposition. How do you do that?

You can begin by finding a partner in this effort who can ask you open-ended questions, as in the case of direct examination, so that you can use your responses as the start of a longer written reflection. The purpose is to encourage you to be expansive, not guarded, as in cross-examination. The more inclusive you can be in this task, the more data you will have to work with. What may feel irrelevant or superfluous initially could reveal a larger pattern of use in drafting your plan and guiding your career. Moreover, if you can persuade your partner to take a few notes and give them back to you, you will have taken that critical first step of gathering the information you need. You can then incorporate these notes into a written work, which you can refer to later as a source of relevant evidence.

You may find it easier to begin chronologically, but a suggested initial question is: What kind of values did you acquire from your family and friends? A fundamental belief of most lawyers is that all people are deserving of representation. You must consider, however, your own values when choosing

an area in which to focus your career. You may find it challenging if you choose an area at odds with your core beliefs.⁹ What end results have called forth your energy and enthusiasm in the past?

In answering this question, think about the tasks that you have undertaken because the outcome mattered to you. Conversely, consider what outcomes you disliked. Talk about them in detail—what did you do, when, why, and how. You may ask yourself:

- What procedures or activities did you find enjoyable, regardless of the end in view?
- What did you enjoy doing for its own sake?
- Conversely, what did you dislike doing?
- What relationships have you developed that you value?
- What culture or region of the country do you enjoy?
- What roles have you found yourself occupying? Have you advised or led? Have you acted alone or in groups?
- What is your personal sense of justice or injustice?
- What kind of situation in which you were not directly involved got you involved?
- How did you make the decision to come to law school? Who or what led you to consider a legal career?
- How do you feel you differ from others you know in law school? How do you feel you are the same?
- Which fields of law interest you the most?
- Which classes have you most enjoyed and why?
- Conversely, what have you studied that you did not enjoy and why?
- Are there types of work, or even areas of law practice that you know you would enjoy or not enjoy? Can you explain why?

Your self-deposition should be more than an opening statement such as, “I really enjoy this,” “I’m really good at that,” or “I had difficulty with this.” These statements are unverifiable in the sense that a reader cannot disagree with you. Instead, you should provide examples to support these assertions, preferably stories about your work experience, or meaningful events in your life that may illuminate what you did and how. Useful themes lie within those stories. Make sure you give yourself enough time and space to say what you have to say.

More specifically, your self-deposition should include specific situations or examples from which you can discern how you thrive and what situations you should avoid. You should feel empowered even to brag a little about your successes; one can maintain candor without being boastful. Also, recall aspects

9. See generally SUSAN SWAIM DAICOFF, *LAWYER, KNOW THYSELF: A PSYCHOLOGICAL ANALYSIS OF PERSONALITY STRENGTHS AND WEAKNESSES* (2004) (exploring challenges conflicting values pose for lawyers).

of your past that did not work well. Sometimes just being clear about what we do not want to do can help illuminate what might work better. Do not deny yourself valuable raw material out of embarrassment, but give yourself credit for your successes too. Therefore, give as many examples as you can, and if in doubt, err on the side of inclusion. You will need a full evidentiary base to yield useful insights and build your later analytical work.

Later, this writing will help you determine not only *what* you found important but *why* you found it important. At this stage, however, avoid drawing conclusions. You will use your self-deposition as a basis for inductive reasoning to develop criteria for evaluating a professional opportunity. That work is likely to be most successful if you allow yourself to tell your personal story in narrative form.

Because you will not likely have access to a court reporter for your oral report, your best alternative is to write it yourself. Type your responses so you can read them later. Number your paragraphs sequentially and keep them short, as you will want to cite to them later. Include a subheading for each thought segment in order to help organize your thinking and make it easier to follow. Your self-deposition does not have to be a work of art; it just needs to be inclusive, thoughtful, and easy to read. Aim to write approximately twenty pages. The self-deposition is not a detailed autobiography, but rather a summary that you can use later. You may find it helpful to break it up over several days, doing a few pages at a time.

Once completed, feel free to revise or supplement the self-deposition as you proceed with your planning. Keep in mind that what you first write is a starting point, and it will continue to evolve as a working tool for your professional development. Also, take time after completion to note how you responded to the task. What was your process? This experience can be useful for your self-deposition as well, especially if you can capture it in a personal journal or reflection, described in more detail below.

2. Learn from Other People's Experiences with You: Get Candid Letters of Reference for Your Personal Use

When you are looking for a job—or are seeking admission to the Bar—you will often need a letter of reference. Letters of reference are valuable to your prospective employer because they offer independent corroboration of the qualities that the employer may seek. But it can be just as helpful for you to request a letter of reference to use personally as an independent assessment of your work product and other qualities. Moreover, if requested with this purpose in mind, the letter itself may be more candid and specific than a conventional letter of reference, and as a result, could be even more beneficial to your own professional development.

In considering who you should ask to write such a letter and what it should say, begin by thinking about friends or acquaintances who have seen you in

several settings and who can write something specific. You should, however, be wary of choosing individuals who are so close that writing the letter becomes burdensome on your relationship, such as a spouse, significant other, or best friend. A helpful author is someone who knows you well enough to write a letter about the things you do well and the things you can do better having observed you in action. Consider seeking the following letter of reference sources: an employer before you came to law school; the leader of a religious community of which you may be a part; a teacher in a small class; a coach of a team; or the head of a nonprofit organization for which you volunteered. Search for people who can give you specific feedback based on observations that they have made about your performance and strengths in settings where your involvement made a difference. Think of someone who can tell an anecdote about you, as examples are more powerful than conclusions alone.¹⁰ In practice, you are likely to find such a letter overly formal, but you may adapt it to your purposes or use it as a reference when explaining what you want. It might also be helpful to consult some older and more conventional letters of reference that you can build on, such as those written for your law school application.

B. Learn from Your Present

1. Learn from a Personal Journal About Your Current Experience

As indicated in the self-deposition discussion, you can use the various tools for self-discovery described above and below not only for their own sake, but also as a means to evaluate how you respond to different tasks. What aspects do you find easy, and which ones do you find difficult? Moreover, the tasks themselves are not the only fruitful subjects for reflection. Instead, you should likewise reflect on the variety of activities that you engage in on a daily basis. Because memories are short, a short daily journal is a helpful vehicle to record your reactions as they occur so that you can learn from your experience. Your reaction to various law school courses or external experiences can also illuminate different ways in which you might thrive in a later professional role.

One of the reasons to maintain a contemporaneous journal is that if you wait to write well after an experience, this delay may strain your reflection through subsequent understanding. Contemporary records are more useful and probative evidence than notes made well after the same event because of their immediacy. Remember that you do not need to decide yet whether a particular experience is helpful or not; you need only to record the experience so that you will have the opportunity later to reflect more deeply on it. In addition, if you find something of interest in any of your readings on the profession (discussed

10. See *infra* Appendix C (providing sample draft letter).

below), add that to your journal as well. Doing so will enable you to keep a trail of your research, both about yourself and the profession. Ideally, a daily private reflection can serve as a binding element that links all of your work together before preparing your law practice plan.¹¹

2. *Learn from Psychological Instruments*

a. *The Myers Briggs Type Indicator Instrument*[®] (*MBTI*[®])

The MBTI[®] is a widely used questionnaire designed to provide information on your preferred cognitive style, and more specifically, details how you prefer to obtain information and make decisions about it.¹² When taking the questionnaire, it is important to answer the questions as you would respond in most situations, not necessarily as you might think you should respond. Though there is an online version of the questionnaire available, it is helpful to have a qualified individual administer the evaluation because he or she can help you understand the questionnaire and advise you about the results in person. Typically, law school career or counseling offices are able to perform this role.

b. *The Strong Interest Inventory*[®] (*Strong Inventory*[®])

The Strong Inventory[®] is a widely used instrument designed to help you assess your interests and then compare them to people in different areas of work.¹³ One advantage of the Strong Inventory[®] is that you may find you share interests with people in other occupations besides the practice of law. That information alone is valuable because it may indicate the types of clients with whom you might have a rapport, even if the specific occupation or role does not appeal to you.

You should also record your reaction to the results of these instruments in your journal. While instruments are helpful, they are not a complete representation of you. Therefore, when you read the results, something in those descriptive terms may resonate with you. If these instruments spark an idea for you, write about it in your journal, especially if you can recall something from personal experience that illustrates this idea. Be elaborate enough so that if someone else were to read it and did not know you, it would nonetheless be

11. Like your self-deposition, you should date and sequentially number the paragraphs of your journal so that you can cite to it to later.

12. See *Take the MBTI[®] Instrument*, MYERS & BRIGGS FOUND., <http://www.myersbriggs.org/my-mbti-personality-type/take-the-mbti-instrument/> (last visited Nov. 14, 2016) [<https://perma.cc/UA7U-CLVR>] (outlining available options to take assessment). See generally R. Lisle Baker, *Using Insights About Perception and Judgment from the Myers-Briggs Type Indicator Instrument As an Aid to Mediation*, 9 HARV. NEG. L. REV. 115, 116-17 (1994) (exploring relevant application of MBTI[®] results to mediation practice).

13. See *Strong Interest Inventory*[®], CPP, <https://www.cpp.com/products/strong/index.aspx> (last visited Nov. 14, 2016) [<https://perma.cc/37AW-US44>] (explaining goal to categorize personal preferences into broad activity clusters).

understandable. Later, you can assemble and reflect on these journal entries.

3. Reverse Your Dislikes

Another way to gain useful information about yourself is to reverse your dislikes, an exercise that attorneys are accustomed to doing in their practice. For example, lawyers have the ability to anticipate legal pitfalls for their clients and channel them into positive advice for clients, like planning for the distribution of assets with a will rather than relying on intestacy laws to determine who among one's heirs will receive the estate. A similar way to gather useful information about yourself is to make a list of five of your dislikes and then turn them into positive statements. For instance, "I dislike disorderly spaces" translates into "I like orderly surroundings."

For this exercise, generate at least five "dislikes," translate them into positive statements, and record the results in your journal. These can provide clues about what you would like to have in a professional role or the environment in which it is conducted.

C. Learn from Your Future

1. Why Learning from the Past May Not Be Enough

In many areas governed by the common law, like torts or property, courts devise standards to fit the circumstances of different cases, and then use such standards to decide cases by applying them to new facts. As the law changes and evolves over time, so do you as a lawyer. Thus, while analyzing experiences is necessary, it is not likely to be sufficient. To return to the analogy of the common law, many legal standards of the past have become inadequate. For instance, constructive eviction in property law became an unduly burdensome doctrine because it required a tenant to leave the substandard premises as if evicted. The newer idea of an implied warranty of habitability helped affected plaintiffs avoid having to meet this high bar. In the same way, your own standards for evaluating professional opportunity are likely to require revision in light of new experiences, new interpretations of old experiences, or even of new desires. Accordingly, in your own professional development, you must look forward as well as backward, recognizing the limits of foresight, but not being foreclosed by them.

2. How Your Legal Education Sometimes Makes It Difficult to Look Forward

Much of the activity of law school consists of helping you learn analytical reasoning. Indeed, much of the rationale for law school is to teach students to "think like lawyers." Because the law can affect people's lives and property, such outcomes are justified only when there is an articulate legal argument and reasoned judgment behind such results. Thus, law schools educate students to

think critically and to put the client's interests before the attorney's.

The burden of this education is that it may stifle your capacity to think creatively, especially under circumstances where the focus involves your own interests rather than your client's. Also, much of the perspective of the law is retrospective, focusing on what another court did before, or how the alleged incident happened, rather than forecasting what should happen in the future. Combine all of these valuable parts of your legal training, and you can see how it may be a challenge for you to look ahead and imagine a future instead of analyzing the past. Your planning may, therefore, require some express effort to be creative.

3. Use Your Creative Skills

While you can get useful information about your past from your self-deposition and letters of reference, and can take snapshots of your present with your journal and various instruments, how do you take a picture of your future?

One approach is to project the past forward and assume that you will do more of the same. On the other hand, sometimes you may need to access your desires, as well as your experiences, to produce an integrated set of standards that you can then use to evaluate professional opportunities. This process, however, involves using your creative skills, not simply your critical thinking skills. Inventing often requires suspension of critical thinking skills that you have spent so much time and effort developing as part of your legal education. Therefore, in order to tap into your creative skills to accomplish this goal, you may want to rely on "aided intuition."

4. Use Aids to Intuition

Aids to intuition are tools to assist you in gaining information about yourself from your subjective experience. Several exercises enable you to gather such evidence.

a. Write Your Obituary for Thirty Years from Now

One way to begin to think creatively about your future is to write your obituary as if you were going to die thirty years from now. Write it as you would like to have it read, rather than what you think it will become. In other words, think about your future by looking backward from a future point in time. Here again, it is important to consider this device as a means to the end of clarity—a source of information like your self-deposition—and not something you are bound to fulfill just because you wrote it. It does, however, offer you some sense of your aspirations and not just your realities. In the

words of Justice Louis Dembitz Brandeis, “Let our minds be bold.”¹⁴

Another helpful tool is to envision a loved one giving your eulogy. What would you want others to say about you? How do you want to be remembered? It is likely that, as is the case in writing your own obituary, the way that you want to be remembered will be a good indicator of how you want your legal career to progress.

b. Envision Your Future

Another way to access useful information about yourself is to envision your future in some specific way. This practice is analogous to the process of envisioning success that many skilled athletes use when undertaking a difficult feat. For example, if an athlete can get a clear image of how he or she wants to swing at a golf ball and how it should travel, it may be easier to do precisely that rather than dwelling on the things that he or she should not do in order to avoid making a mistake.

As with dream images, often our body will respond to a vivid mental picture as if it were the reality, steering us intuitively toward the desired objective.¹⁵ For example, imagine an ideal day in your life five years from now. If it is challenging to begin with a focus on your work life, start with your life at home. Imagine such things as:

- Where you will live, including as many physical details of your ideal dwelling as you can?
- What specific area or community would you want to live in?
- Who in particular would be living with you, including family and pets?
- What friends and associations will you have?
- What recreational activities or hobbies you will have?
- What community service you might conduct?
- What religious or spiritual activities you have?

Then, turn your mind toward your ideal professional day. Imagine such things as:

- What kind of location (urban, rural, suburban, etc.) you might work in?
- What kind of office environment you picture yourself in?
- What kind of colleagues you have?
- What kinds of superiors and assistants you might have?
- What kinds of clients you might enjoy serving?
- What kinds of legal work you might enjoy doing for them?

Like any skill, envisioning will take practice and a gentle hand that will lead

14. *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932).

15. See ROY ROWAN, *THE INTUITIVE MANAGER* 153 (1986) (describing power of intuition).

your mind to the focus you have selected for this purpose. After you have quieted your mind, envision your future in as many areas described above as you can. Once you are done, write down as much as you recall in your journal.

V. BUILD ON YOUR RESEARCH TO DETERMINE STANDARDS FOR DECISIONS
ABOUT YOUR PROFESSIONAL FUTURE

A. Analyze the Evidence to Find the “Law” of Your “Case”

So far you have generated raw evidence. Your next task is to organize that evidence, distilling it into a set of standards that will be important for evaluating professional opportunities. You have already implicitly used some of those standards when you made the decision to come to law school. Many times they are not explicit or like legal principles; sometimes they are difficult to reconcile and only become visible with time and experience. On the other hand, part of what you have learned in law school is the capacity to find, assimilate, and analyze information to develop the “theory of the case.” Here you get the same opportunity, but the case is your own career.

This is a challenging assignment because, as lawyers, we define ourselves by providing dispassionate analyses to our clients but not to ourselves. It may make the task less daunting to reflect on the analogy to case analysis during your first year of law school. Many classroom case discussions that I recall as a law professor can be classified into two types: whether the court articulated the correct standard for its decision, or whether the correct standard was applied to the facts of the case. For your purposes, the first task is to concentrate on defining the standard. Defer, at least conceptually, its application to professional opportunities. In practice, however, you will play one aspect against the other as you move from the “facts” of your research on yourself to the “law” of how you interpret it in your case.

To use an analogy, you can bypass trying to articulate your personal “common law,” and merely legislate your result, for example, by concluding, “I want to be a litigator.” If your career choice is that clear at this stage in your professional life, that is good. But what if you might be a much better and happier estate planner? How do you find out without going through a difficult, time consuming, and expensive process of trying out a professional role on the job only to discover that you have made an error? If you can examine the evidence you gather and allow overarching themes to emerge, you can make informed decisions about your future without jumping to a premature conclusion or taking on a legal role which ultimately does not fit you well.

*B. Undertake an Option Analysis to Find and Shape Criteria to Use for
Evaluating Opportunities*

One way to determine criteria for decisions about professional opportunities

is to examine criteria in the context of specific opportunities as you would with a legal standard by applying the criteria to different fact situations. For example, suppose you had estate planning in mind as a particular legal role, but wanted to summarize the pros and cons of the opportunity. Here is an illustration, though the positives and negatives will be different for each person:

Figure 1

<p>Estate Planning:</p> <ul style="list-style-type: none">(+) Ability: Uses my ability in planning to avoid problems.(+) Process: Avoids confrontational situations.(+) Interest: Involves detailed knowledge of the law concerning taxation and trusts and estates.(-) Ability: Requires patient drafting and careful proofreading of instruments.(-) Values: Helps people with assets to plan for their preservation, rather than helping more disadvantaged individuals with legal problems.(-) Context: Involves working largely alone, rather than with colleagues.

Thus, one way to identify criteria that you may not have previously considered is to take two or three legal roles that you have an interest in and conduct an options analysis for each of them. This process enables you to produce criteria, such as the need to develop and maintain a continuing expertise in tax law. You may find that certain requirements you discover are actually drawbacks, which would make a specific role less desirable for you. The criteria can also be an application of a general principle: namely, one where you enjoy a more general perspective rather than becoming highly knowledgeable in one specific area; however, you will be knowledgeable enough to help your client get specialized help. Again, this is not a binding choice—just a way to learn what may matter to you.

C. Begin Mining Your Data for Nuggets About How You Thrive

In the movie *Little Shop of Horrors*, comedian Steve Martin plays a dentist who sings of his career choice being guided by his mother: “Momma said, my boy I think someday, you’ll find a way, to make your natural tendencies

pay”¹⁶ What you are looking for here is something similar but much more positive. What are your natural tendencies and how can they pay off in your law practice? As much as possible, your objective is to get as close as you can to a place where you can thrive as a professional. This is not an easy task, and it will require a level of intense effort and analysis. One way to begin is with your self-deposition.

First, you will want to look at your self-deposition for activities in which the outcome mattered to you and where the process was more important for you. For example, you could enjoy playing golf (process), even when your score was higher than you preferred (outcome). Alternatively, you might find that doing the recommended work here is a struggle (process), but is justified by having a clearer legal career choice (outcome). In summary, examine your self-deposition for those experiences that represent powerful examples of what you found distasteful or gratifying, or what you disliked or enjoyed.

Start a document with a list of those examples, noting where each example is found in the self-deposition so that you can refer back to it later. When you have a list of fifteen or twenty such items, take a break and categorize them. Then, try to discern the common element tying them together, just as you might organize a cluster of judicial decisions to see how they might be reconciled. As another example, “I worked on an environmental lawsuit” might be an illustration of the author’s own belief in environmental protection, or his or her enjoyment in preparing a case, or satisfaction in championing under-represented interests. The principles that emerge are likely to be either substance or process oriented, illustrative of some important personal value or some way of doing things.

In this exercise, you may find that an experience may have had more than one meaning for you. For instance, you might have enjoyed working on an environmental lawsuit both for the desired outcome in the case and because of personal interest in the environmental cause. In this situation, add this item to both lists so that each meaning is separately represented, referring back to the source so that you can revisit it if need be.

When your clusters are complete, start another document with the organizing principles you have found. This might be a phrase like “values environmental protection.” You can think of these as preliminary hypotheses about things that matter to you. In this process, you may find it helpful to talk over some of them with a friend or counselor who can help you discern aspects you might have missed.

Once you have a few clusters, go back to the other data sources, such as your MBTI[®] results, Strong Inventory[®], or journal, and look for new insights. Start

16. *Little Shop of Horrors (1986): Quotes*, IMDB, <http://www.imdb.com/title/tt0091419/quotes> (last visited, Nov. 14, 2016) [<https://perma.cc/A33Q-666R>].

a list for that insight, noting the source. For example, suppose that you find in one of your letters of reference a statement about you that either reinforces something from your self-deposition, or perhaps you find something that might not have appeared before. With those data sources as well, make a list of these highlights with an illustrative example, if possible. Then, review the list to see if any highlights fall under an existing cluster. If not, use these highlights as organizing principles. Pay attention to possible themes emerging from multiple sources; the more evidentiary support that appears for a particular theme, the more powerful the theme becomes for your professional development.

As you review your various lists, you may find that they spark memories or ideas you had not considered before. If so, add them to your self-deposition or your journal, as they can become source material as well. Then, see if they fit your growing written inventory of things that describe you and the principles you have devised to help organize them into larger categories.

These categories will form the basis of your thinking about criteria that may be important to you in your professional future. The idea is to take advantage of the additional data to help you be inclusive; at the same time, you still want to be as specific as you can so that the heading fits you and is not the legal equivalent of “one size fits all.”

The point here, and further along in this process, is not to assume your conclusion and then find evidence to justify it, but instead to gather data and analyze it inductively to give you an accurate picture of yourself at this stage in your development. Because you are largely invisible to yourself, the purpose is not to impose order on the data to fit your preconceptions. Instead, the purpose is to listen to what the data is saying about you, especially the things you may not have been expecting.

For example, you might begin the exercise with the vision of yourself as a trial lawyer, but find that you have enjoyed the role of peacemaker more than a warrior. If so, that might lead you to reconsider your earlier preference and think about alternatives that fit your disposition more accurately, such as being a mediator.

D. The Importance of Being Specific

Finally, go back to the cluster headings and see if you can improve them by making them as specific as possible. To illustrate, you might find an early cluster heading to be “interested in environmental protection.” On reflection, you might find a more exact heading to be “interested in the conservation of open space.” Also, check your headings to make sure they set forth sufficient context. For example, “I speak well” is not as helpful as, “I speak well in front of small groups.” Similarly, “I like working with people” may indicate that being a professional hermit is unrealistic, but it may not tell you much about your ideal professional context—what kind of people, doing what kind of work,

in what environment, how, etc. To be more specific, suppose you said that you work best with peers in a structured environment. Both an abbey of monks and a prison for convicts fit that heading, but there is a difference. A standard that does not honor those important differences does you an injustice.

Your objective is to achieve greater clarity about who you are so that you can then find your best fit in the legal profession, though all self-knowledge is not relevant for this purpose. For example, you might have a sweet tooth or guitar skills. What you really want to focus on are those issues that clarify the strengths you can bring to the law, as well as those aspects that will help ensure you have an enjoyable career.

E. Abstract Out the Key Criteria You Need to Make Professional-Opportunity Decisions

You now have enough data to begin the process of pulling it all together. This is the hardest part, and here you will find why writing it is so important for you. You would not go into an oral argument before a court without having prepared a brief, and you should not prepare for your professional future with any less diligence. The goal is to produce a document that you can refer to and revise based on new information and insight. You are seeking to produce a set of criteria through which you can measure professional opportunities. Those criteria should draw on your best understanding of yourself now derived from your research of your past experiences, your present state of mind, and your aspirations for the future.

Your ultimate objective is to have a one-page summary that simply states these criteria. Like a summary of the argument in a brief, that one-page summary will require a lot of work before it can be well written. At this point, however, take the opportunity to look back over all your data and see if you have extracted the highlights by sorting it into clusters with some organizing principle that you can use for the next stage of your planning work. Finally, note in your journal the reaction you have to this task, just as you noted your reaction to earlier tasks. That way, you will continue to use the planning process as a way of providing feedback to yourself that you can in turn incorporate into your plan.

F. Organize and Clarify Your Evidence and Conclusions

Once you have completed your analysis, write your initial headings by summarizing your evidence beneath the analyses points. For example:

[ENDS TO BE SERVED]: Preserving and protecting green open spaces.

- Ex: I researched how to buy open space using special tax revenues. [Self-Dep. ¶ 55]
- Ex: I helped draft a model conservation restriction. [Letter of ref. ¶]

1]

- Ex: I like seeing public parks without litter. [Reverse dislikes ¶ 3]

Remember, just as multiple witnesses lend credibility to testimonial proof, multiple data sources lend credibility to a criterion. If the supporting data are lengthy, summarize the eight to twelve strongest evidentiary points and then summarize other material not presented.

What if you have contradictory evidence? Here, just as you would cite a case adverse to your position to the court in your brief, you will also want to cite such evidence for yourself. If the contrary evidence is significant, perhaps you should revisit your analysis to see if the criterion truly does reflect the weight of the evidence. You may find that you have two criteria masked as one, or even a conflict between two sub-criteria that you can resolve by deciding which of the inconsistent sub-criterion is most important.

G. Make Sure Your Career Criteria Are Both Broad and Deep

You now want to move beyond your preliminary analysis to develop more explicit criteria through which you evaluate professional opportunities. Such a task requires both breadth and depth: breadth to ensure you have not omitted a critical variable; depth to ensure the most powerful variables are prioritized. Or, if you were testing your work like you would an administrative decision, ask whether you have considered all the relevant factors and facts. One way of doing this task is to revisit the data to see if it reveals information about issues such as:

- Setting: The scale of the institution or office, and whether it emphasizes small group projects or individual activity.
- Structure: Whether the firm is hierarchical or peer to peer.
- Location: Large city, suburban, small town, located in the countryside.
- The firm's values or culture.
- Strengths you can use, such as brief drafting, research, advocacy, or analysis.

H. Set Priorities for Your Criteria

At this point, you should have a number of criteria for your decision. Review each to see if it fits you. Ask yourself whether they are specific enough to be representative of you personally and not anyone else. Your goal is to understand those aspects that are unique to you so that you can make sure you honor them appropriately in your plan.

Then, put your criteria into order based on importance. All criteria are not equal, and you need to decide what criteria you value most because we have a limited mental "span of control." Choose your top four or five criteria so that

you can keep them in mind when you later evaluate a professional opportunity.¹⁷

I. Remember, You Are Still in Charge

At the end of this process, you should have a number of criteria for evaluating professional opportunity that reflect a sense of your best self. This is not an end in itself, but a means to an end—a better sense of direction for you that brings confidence. Remember that you are optimizing, not perfecting, your professional future.

J. Write Your Legal Career Plan

Just as it is not enough to do the research in preparing a major appeal, you need to write the brief. Here you will have an advantage because of your legal education. You have done the research; now write your brief. Write a document that can stand by itself and that you can refer to at a later date. While your plan is specific and unique to you, you should write it as if you have to publish it, so that someone who does not know you would see the logic and persuasive force of what you have done.

Your plan should contain various elements that are designed to explain what you have discovered through the process. First, you should have a brief introduction that clarifies your sense of the task and any background you would like your reader to have. Second, state your selected criteria and supporting data. Because of the utility of referring back to this data, you will find it helpful to quote most of the data verbatim, though, in the case of your self-deposition, you may want to make summaries or use illuminating excerpts. If your supporting data consists of information from various instruments, you may want to cite the score and what it means so that in the future your paper will still communicate to you without having to refresh your recollection.

Next, you should write a brief description of your confidence in the accuracy, comprehensiveness, and importance of the criteria you chose. Here is where you can record some of the tradeoffs you made and uncertainties you may retain. The goal is to come to provisional conclusions without abandoning your capacity to reconsider and revise these conclusions based on new evidence or insights obtained later. Finally, you should conclude with a summary statement.¹⁸ In conclusion, you can test your handiwork by asking the following questions:

17. If setting priorities proves difficult for you, pick the most important and the least important priority. Then you can set lowest priorities aside, and make a choice again for the most and least important among the remainder, and so on. The point here is that it may be simpler to convert a pluralistic decision into a binary one to the extent feasible.

18. An example summary statement may read, “A law practice opportunity for me should meet the standards below in the following order of priority: Criterion a; Criterion b; and Criterion c.”

- Does it demonstrate your understanding of various sources of information?
- Does it show a logical link between the data and the criteria abstracted from it?
- Is the evidence of sufficient weight, variety, and volume to support the conclusions drawn from it?
- Have you acknowledged and recognized contradictory evidence?
- Are your criteria well-written and specific?
- Do your criteria address all aspects critical for you, and have you set priorities among them?
- Is your analysis leading up to your criteria readable and easy to verify?
- Have you cited evidence for a criterion in a way that someone who does not know you could read it and understand the rationale?
- Does the criteria fit you, and does the evidence fit the criteria?
- Have you framed your criteria positively? Which is to say: “I want X”; not, “I do not want Y.”
- Are your criteria specific? Like a good newspaper story, do they tell you who, what, when, where, why, and how?

Assuming your criteria meet these standards, in the next stage of the process, you will try to apply your criteria to specific legal career opportunities.

VI. RESEARCH LEGAL AREAS OF INTEREST TO YOU

A. Begin Research Broadly, Then Refine It

Your next task is to choose a specific law practice role that will fit your criteria. To do so, you need to research the legal profession in general, as well as a particular target area of practice, to see where you might best fit. Your work will involve library research as well as interviews with practicing attorneys.

B. Why On-the-Job Training May Not Provide You with the Information You Need to Make Informed Decisions

Assuming you are offered a job out of law school, can you wait for on-the-job training to help provide the information that you need? Many firms are now seeking lawyers who can add value right away. It is now expected that young lawyers begin their careers with a sense of direction. Thus, the more a young attorney can understand that practice opportunities are available, the better equipped he or she will be to shape his or her first position in a positive direction, or even get a job in the first place.

C. *Learning Before You Get a Job*

Short of actual experience with different types and contexts of law practices, what can a law student do? The answer is to research the practice of law just as you might research a case. Here, you are doing research not on a legal doctrine, but on an area of law in which you have an interest so that you can make informed decisions. Your objective is to compile a brief outline or short profile where you summarize in writing all of the information that you have gathered in a chosen area of practice.

D. *Steps for Research*

1. *Undertake a Legal Interest Survey to Find Areas of Law for Further Research*

You may have some idea of your ideal legal practice area from courses you have taken, but the realm of law has many aspects, and it is helpful to see what might interest you beyond what you have already encountered. One strategy to accomplish this objective is to get exposure to various areas of law and then reflect on what you have read or learned from interviews. One beneficial starting point is to undertake a legal interest survey. For example, your school's law library will likely maintain a copy of the table of contents of various legal periodicals. You can use these titles as guides for discovering what legal matters interest you the most.

For instance, as you read through the table of contents of a law review, the following article might catch your eye: *A New Legal Duty for Urban Public Schools: Effective Education in Basic Skills*.¹⁹ Assuming this is an article you would like to read, what makes it important to you? What is its "hook?" It might be the educational aspect, or perhaps the concept of legal duty. In any event, you should try to discern the key issues and summarize them in your journal, such as "urban education."²⁰

If you do not have access to a list of articles, you can try going on a website for continuing education providers, like the American Law Institute, the ABA, the Practising Law Institute, or Massachusetts Continuing Legal Education. Each of these websites will likely feature programs of current interest to members of the practicing bar, and can give you some ideas of emerging areas of law practice in which you might have an interest. The specific source is less important than finding a vehicle wherefrom you can get exposure to areas of law or practice that you might not have previously encountered, but could be

19. Gershon M. Ratner, *A New Legal Duty for Urban Public Schools: Effective Education in Basic Skills*, 63 TEX. L. REV. 777 (1985).

20. Note that the same article might have multiple attractions; if so, articulate each in a separate journal entry.

worthwhile for you to investigate further.

2. *Abstract Out Key Matters to Find a Target Area*

When you are done reviewing the various source materials you find, sort them into clusters and put a heading at the top of each cluster. Sort the clusters by relative importance. The result should be one or two target areas of law for further research.

3. *Research Those Areas in the Literature and in the Field*

Once you have selected one or two legal areas of interest, you can begin to learn more about them. The object, however, is to build a profile for an area of practice from the literature, and then move to the “real world” of the practicing bar. You can begin the process of exploring your preferred professional role by starting in your own law school library. Again, just as you made notes for yourself when you were developing your career criteria, you should continue to do so in your personal journal. Keeping track of your path of inquiry will save you time later because it prevents you from having to redo an earlier step.

For example, if you find an area of law to investigate, record the sources you examine, noting salient information. Your research will not only help you choose a target role, but it will also better prepare you for conversations with attorneys who you will later interview about their work.

4. *Possible Sources of Information About Specific Practice Areas*

There are several resources to help you target specific practice areas:

- News Articles: Articles on recent legal cases, controversies, current events, trends in science, history or art, and other areas of interest to you.
- Books: Course books, hornbooks, nutshells, guides, and manuals.
- Periodicals: Periodicals about the legal profession, such *The National Law Journal*.
- Faculty or Alumni: Faculty or Alumni may know of useful sources to examine in a particular field.
- Subscription-Based Resources: Resources such as LexisNexis, Westlaw, and Bloomberg.
- Google Scholar: Google Scholar sorts through extraneous postings and lists journal articles.
- Discussion Groups: Discussion Groups, also known as “listservs,” provide ways to learn about cutting edge issues and professional opportunities, communicate with specialists, and network.
- Conferences: Conferences that take place at your law school. These may be free to students. You can also inquire about scholarships for law students who want to attend or offer to volunteer, which may

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- allow you to participate without charge.
- Continuing Legal Education (CLE): If there is an area of law you may be interested in, explore the CLE materials and conferences. Again, if the CLE conference or workshop is at your school, you may be able to attend without charge. You will also be able to meet lawyers in the field.
 - Internships: The experience of an internship—whether paid or unpaid, for credit or not—is invaluable.
 - Professional Organizations: Professional organizations, like the ABA, state bar associations, and local bar associations have information on practice areas. The ABA has a student division, which you can join at a low cost. When you join the ABA, you are able to subscribe to publications for specific areas of law. The ABA offers journals along with your membership. Also, to learn more about the areas of the legal profession that are growing, or to research current hiring trends in the profession, visit the ABA's Market Research Department's website where the ABA maintains statistics and reports about lawyering and the legal profession.²¹ As a law student, you can sometimes join a local bar association at a reduced rate. Taking advantage of these reduced-rate memberships offers you a way to enhance your learning about law practice while you are still in school.
 - Social Media: Professional social media websites, like LinkedIn, allow you to network online. In addition, many legal scholars and attorneys also use Twitter to market and network. Your school's career development office may also know of other local professional social media sites.
 - Blogs: Blogs are often helpful sources of current information. *Jurist* is an authoritative legal news and real-time legal research website overseen by law professor Bernard Hibbits at the University of the Pittsburgh School of Law, and involves a team of law student reporters, editors and web developers. *Law Professor Blogs Network* has a list of current blogs in alphabetical order by practice area. *Blawg Search* at Justia also has an extensive list of blog categories.
 - Alerts: Alerts can track hot topics in your areas of interest. Google Alerts will let you know when something new has been posted online. Westlaw has an alert feature called WestClip and LexisNexis has an alert service called LexisAlert.

21. See *Legal Profession Statistics*, A.B.A., http://www.americanbar.org/groups/departments_offices/market_research/resources.html (last visited Nov. 14, 2016) [<https://perma.cc/X67W-AHFK>] (displaying current statistics for various aspects of legal profession).

- Really Simple Syndication Feeds (RSS feeds): RSS feeds allow you to subscribe to blogs and receive emails with new postings from your chosen reader. Subscribe to RSS feeds via websites that you visit often. Once you have an area of law in mind, take a quick scan of multiple sources to get a sense of the universe of available information and start a list of areas for further research in your journal. You can then come back to it later for more in-depth research.

E. Research the Practicing Bar

In addition to learning more about areas of law, you will also want to understand something about the different types of practice.

1. Types of Law Practice

David Maister, a former Harvard Business School Professor, organized professional services into three categories: efficiency-based practice, experience-based practice, and expertise-based practice.²²

Efficiency-based practice is a “procedural” legal service in which high volume and efficiency matter.²³ Examples of this type of service include compiling documents for real property conveyances, mortgage refinancing, or debt collection. It may take some time to set up the forms and procedures, but once they are done, paralegals can help do much of the work.

Experience-driven practice involves doing the same thing repeatedly and getting good at it, but it is not something that can be delegated to a paralegal.²⁴ For example, when an attorney drafts a will, a paralegal may help with some of the drafting, but the oversight and professional judgment must come from the attorney who knows enough about the estates, the parties, and the law to put all of it together.

Expertise-driven practice involves using skills and knowledge that attorneys already possess to solve legal issues that they have not previously encountered.²⁵ If you think about your own growth as a lawyer, you will start at the expertise-driven level because everything you do will be a new legal issue that you have not yet experienced professionally. As attorneys complete multiple versions of the same type of work, they become experienced lawyers, and the work may even become routine. For example, when you complete your first mortgage refinancing, you will read those documents with particular care because you do not know what they mean or what they do. In contrast, if you

22. See DAVID H. MAISTER, *MANAGING THE PROFESSIONAL SERVICE FIRM* 23-27 (1993) (detailing theory of three practice types).

23. See *id.* at 26-27 (explaining characteristics of efficiency-based practice).

24. See *id.* at 24-26 (describing characteristics of experience-based practice).

25. See *id.* at 23-24 (identifying characteristics of expertise-based practice).

have completed hundreds of such transactions, you will already know much of what is in the documents because you have seen them many times before.

Professor Maister has also categorized law practice into three types: client-focused practice, case-focused practice, and personal or remote practice.²⁶ First, in a client-focused practice, the attorney focuses on one particular client and manages the client's legal affairs in multiple areas of law.²⁷ For example, the City Solicitor for the City of Newton, Massachusetts, is the chief legal officer for the City of Newton. The solicitor and her staff address every kind of legal issues that concerns the municipality. Similarly, the general counsel for a corporation will often handle routine matters and seek special expertise as needed. In these contexts, the primary focus is meeting the continuing needs of a small number of clients on a regular basis with varying types of problems.

Second, in a case-focused practice, there is not necessarily a continuing relationship with a client over time.²⁸ This type of practice tends to depend on many clients with similar problems, and it has subcategories as well. For example, a lawyer may be brought into a matter by other counsel only to assist in writing appellate briefs for various clients.

Lastly, Professor Maister recognizes that professional services can be interpersonal or remote.²⁹ Imagine the difference between a psychotherapist's career, whose work is almost exclusively conversations with patients, and a pharmacist, who has limited contact with patients. In both cases, professional knowledge and skill are necessary but, in the former case, interpersonal skills are particularly important. In the latter, care in attention to detail and accuracy of prescriptions dispensed is vital. In the same way, lawyers can be closely involved with advising clients, or they can be more in the background doing work on client matters.

F. The "De Facto Specialization" of the Profession

With the exception of recognized specialists, such as intellectual property or admiralty, attorneys rarely formally specialize, though they often concentrate in various areas of practice.³⁰ Professor Lynn M. LoPucki of the University of Wisconsin-Madison conducted a study, collecting 26,000 questionnaire responses from attorneys designed to help determine the pattern of "de facto

26. See David H. Maister, Presentation at Harvard Business School (1986).

27. See *id.*

28. See *id.*

29. See *id.*

30. See *supra* note 2. See generally LISA L. ABRAMS, THE OFFICIAL GUIDE TO LEGAL SPECIALTIES: AN INSIDER'S GUIDE TO EVERY MAJOR PRACTICE AREA (2000); FRANCIS T. WALSH & M.B. VAN STRATEN, THE INSIDER'S GUIDE TO LAW FIRMS (2000); THE LAWYER'S ALMANAC: THE LEADING REFERENCE OF VITAL FACTS AND FIGURES ABOUT THE LEGAL PROFESSION (28th ed. 2009); Gerard J. Clark, *American Lawyers in the Year 2000: An Introduction*, 33 SUFFOLK U. L. REV. 293 (2000).

specialization.”³¹ While her study was completed a number of years ago, it still offers a helpful sense of the variety of ways attorneys shape their work. Professor LoPucki found “de facto specialization” occurred along at least eight parameters, with many respondents being classified along more than one. These parameters included:

1. Body of knowledge (e.g., bankruptcy, toxic waste disposal, income taxation, although some attorneys link the learning to the problem, such as business planning).³²

2. Type of client (e.g., shopping center developers, athletes, immigrants, foreign companies, small businesses, elderly people, credit unions, and labor unions).³³

3. Side (e.g., labor or management, personal injury plaintiffs or insurance companies, residential tenant or corporate landlord, debtor or creditor).³⁴

4. Operations or legal task of a nonstandard nature (e.g., trial preparation, trial practice, appellate practice, lobbying, counseling clients), or of a highly standardized nature (e.g., condominium documents, defined benefit plans, residential mortgages, or business franchises).³⁵

5. Forum (e.g., particular courts, agencies, or legislative bodies where knowledge of the people, as well as informal and formal rules, are important for success).³⁶

6. Geographical area (e.g., courthouse, town, city, state, or even the nation).³⁷

7. Size of the matter at issue (e.g., small, high-volume collection matters, major case litigation, with the requirement to care for and feed the support systems such matters involve).³⁸

8. Relation to the team (e.g., client contact, case management, specific tasks).³⁹

Implicit in this idea of “de facto specialization” is a focus on the type of client you want and the kind of service you want to provide. Thus, your professional success and personal satisfaction in this area may require you to focus on clients meeting your criteria. When you have completed your research, you should have both a picture of the field in which you have an interest and a picture of that field as it is practiced.

31. See Lynn M. LoPucki, *The De Facto Pattern of Lawyer Specialization* 9-10 (Univ. of Wisconsin-Madison Law Sch., Working Paper No. 9, 1990) (describing LoPucki’s research method in collecting data on attorney specializations).

32. See *id.* at 12-14.

33. See *id.* at 14-20.

34. See *id.* at 20-21.

35. See LoPucki, *supra* note 31, at 21-24.

36. See *id.* at 24-28.

37. See *id.* at 28-33.

38. See *id.* at 33-36.

39. See LoPucki, *supra* note 31, at 36-39.

G. Finding Attorneys in Your Target Area of Practice

The next step in the process is to verify or modify those impressions based on interviews with practitioners in the target practice areas. How do you find them? Your library research may already have provided you with a number of target attorneys to seek out for interviews, but there are other sources to help find lawyers in a practice area:

- Reported decisions of courts in your jurisdiction.
- Faculty recommendations: Even though law faculty may not practice actively, some are willing to help find able lawyers to help students who approach them for advice.
- Alumni networks consisting of graduates of your law school.
- Martindale-Hubbell: Martindale provides a search by practice area, law school, and firm name among other qualifiers, and is available free online.
- Lexis Nexis: Lexis Nexis provides a search by attorney name, with practice data about that attorney.
- Findlaw.com.
- Bar associations.⁴⁰
- Board of Bar Overseers.⁴¹
- Massachusetts Lawyers Diary and Manual.

H. Interview a Number of Attorneys About Their Work

One of the most useful methods of collecting information about law practice involves interviewing a lawyer who is practicing in a field that interests you. The information generated tends to be qualitative. Whereas written sources can supply the basics, personal interviews can help you understand the nuances of a practice area that do not always make it into print. You can try out ideas or test hypotheses in a relatively low-risk way. Because conducting an interview that is highly interactive, you can tailor questions, seek clarification, and pursue interesting ideas as they arise during the conversation.

The single most important element in successful interviewing is careful preparation. Sometimes students find this process difficult to start. Who should you interview? First, you can interview someone you know well, such as a friend or relative in law practice, even if they are not in your target field of

40. Many bar associations have committees on which lawyers volunteer to serve, ranging from the ABA to state and local associations. A number of them are organized by particular areas of interest. *See MBA Sections/Division*, MASS. B. ASS'N, <http://www.massbar.org/member-groups/sections/mba-sectionsdivision> (last visited Nov. 29, 2016) [<https://perma.cc/7FNA-7NU6>] (describing section organization).

41. *See Board of Bar Overseers of the Supreme Judicial Court*, MASS.GOV, <http://www.mass.gov/obcbbo/board.htm> (last visited Nov. 29, 2016) [<https://perma.cc/TVM5-LL9A>]. The Massachusetts Board of Bar Overseers provides information on attorneys, as well as useful publications on law practice and professional conduct.

law, in order to get a feel for the process. The real challenge, however, is to find lawyers in your field who can help you make the most informed decision about your best professional role. Again, here is where your research skills are important. If possible, you should try to find lawyers who are not only skilled and experienced in an area of practice, but who are also admired for their personal qualities of character and professionalism. The research will help you sort out who you might want to know more about, and perhaps even get the opportunity to interview.

When getting started, you may find it helpful to confer with one of your professors who teaches in the field or an allied practice area. They can often point you in the right direction for further research and towards attorneys who you might also want to seek out. The process of asking an instructor questions can also help prepare you for a more extensive conversation with a practitioner later on.

I. A Professional Responsibility Advisory

Before you contact any practicing attorney, you will need to be especially sensitive to two sets of issues that are part of your own responsibility as emerging professionals. First, successful attorneys are busy people. If you want to reach out to them, and especially if you want to interview them, you must prepare before contacting them so as not to waste their time or risk damaging similar prospects for your successors. Secondly, just because you are doing homework on your career, this does not mean that you should use the contact to secure a job interview. Successful attorneys are deluged with resumes from job seekers. Therefore, you should not use this informational interview as a pretext to get beyond the resume screen. When you have completed your work, you can return to that attorney, but to be credible, your purpose has to be focused on finding out about the attorney and his or her chosen field of practice, not the reverse.

J. Getting the Interview

Once you have targeted your chosen attorneys, you should do as much homework as possible from public sources about what they do. With that foundation in place, your interview should be that much more effective. So, how do you get busy attorneys to talk with you?

First, seek out alumni from your law school as they may be more willing to discuss their careers with you—especially if they have previously expressed a willingness to talk with current students through your Career Services Office. Even if they have not formally identified themselves, alumni are usually happy to speak with current students from their law school. They, in turn, can often help you make a connection with members of the practicing Bar who attended other institutions.

Second, even attorneys who are not alumni of your school are often willing to share information about their practice with students, provided there is a genuine interest, and the student evidences having done his or her homework first. It can be helpful to send the attorney a letter in advance of a phone call explaining who you are and what you are interested in.⁴² Students who have been successful in obtaining interviews offer the following advice about what to include in your cover letter:

- Why you want the interview.
- What kinds of things you want to talk about.
- How long you would like to take. (Fifteen to twenty minutes is reasonable to ask for, although you may get more time once you are in the interview.)
- When you will call to set up the appointment. Make sure to call when you said you would.

In setting up an interview, make yourself available to meet with the attorney at a time that is convenient for him or her. Always confirm your appointment the day before to avoid wasting time if the lawyer's schedule has changed, and as a reminder of the purpose of your visit. In addition, you should treat an attorney's assistant with same level of respect and courtesy as you would an attorney.

K. Preparing for the Interview

1. Do Homework As You Would for an Expert Witness

You will be much more successful in interviewing an attorney if you have done your homework on him or her in advance, just as you would for an expert witness. That means reading about the attorney, including conducting a simple Google search to see if the attorney has professional website. Less obvious sources are to check your local Board of Bar Overseers to make sure there are no disciplinary matters pending, and, assuming not, to consult your law reference librarians about using legal research services to determine if this lawyer is the attorney of record in any important case law. It is also worthwhile to investigate whether the lawyer has been mentioned in the press or authored law review articles or books.

The more research you do in advance, the more prepared you will be to use the scarce interview time you are given to learn what you cannot on your own. More importantly, your preparation will demonstrate skills that may lead the attorney to recommend colleagues in the same field with whom you might also talk. The point is not to pry into someone's life, but simply to learn about his

42. One Suffolk student reported he was offered an interview because his handwritten note stood out so much from all of the attorney's email traffic.

or her area of practice as much as you can from public sources so that you demonstrate respect for the time shared with you.

2. Prepare Lines of Inquiry or a Questionnaire

If you are unsure how to proceed, you may find it helpful to prepare a list of questions, just as you would for a key witness in a deposition. In thinking about your questions, be clear about your reasons for the interview. You might be looking to gather information not readily available from other sources, to test out ideas you have already developed about how certain practice areas work, or to find other lawyers to ask for advice and information.

It will be most helpful if you can determine in advance what specific information you hope to get from the interview even if you refer to it sparingly, which is where a questionnaire can help. Pay particular attention to what questions you really need to ask, as well as the sequence that is most likely to generate candor and helpful information. For example, it is wise to ask for information before you ask for advice. If you have time, test out your questionnaire on a partner before the interview.

3. Types of Questions to Consider

In developing a questionnaire, you will want to structure it in a manner that will engage the interviewer right from the outset. Simply put, you want to avoid “dead air.” You will find that some attorneys will open up easily while others will be more reticent.

One way you can begin an interview is by asking for examples of the work that the attorney most enjoys and finds successful. These examples can inform you about how the attorney perceives rewards concerning this area of practice. Another way to begin is by confirming some background information about the attorney if it specifically relates to your own interests, such as a major case that he or she worked on.

When you have some helpful information in hand and the conversation is going well, you might then feel comfortable enough to ask for some advice. You can frame the inquiry in a general way, such as, “What do you wish you had known in law school when you were in my shoes?” Alternatively, you may ask more particular questions, such as, “Assuming the following information about me (describe yourself briefly), do you believe that I would find the kind of work you do enjoyable, or can you recommend something else that I should investigate?”

In general, you may find it best at this stage to avoid areas of potential sensitivity, such as law practice economics, and instead, save them for the end of the interview or for a later time when you have developed a more durable relationship with this attorney. You should take caution, even then with sensitive questions, by making sure to frame them in a way that the attorney

feels comfortable responding to them generally, specifically, or not at all.

With those concepts in mind, here are some other areas of inquiry that you may want to pursue, with the caveat that you should reorder these questions or select others that may work best for the specific attorney who you are interviewing:

(1) General Background

- Can you tell me about some of your successes as a lawyer?
- What has been most enjoyable about your work?
- How has your career progressed since graduating from law school?
- How did you obtain your present position?
- What do you know now that you wish you had known in law school?
- Where do you see yourself in five years?
- How do you spend your day?
- What courses did you take in law school that have been most helpful for your present position?
- What courses would you recommend now to someone interested in preparing for the kind of work you do?
- What kind of skills do you feel are necessary in order to be successful in this area of law?
- What are your interests? How do they relate to your present work?
- What values are most important to you? How are these satisfied through your work?
- What other type of work (nonlegal and legal) could you imagine yourself doing?
- How much of your time is involved in office administration? What kinds of tasks comprise this work?
- Is there an active bar association committee/section for lawyers in this field that you would recommend? (You may know much of this information already).

(2) Specifics About the Field

- Is your practice oriented more toward a particular kind of client (e.g., physicians), or toward a particular kind of law (e.g., zoning)? What kind of mix is there between clients and services, and which is dominant?
- What do you find most satisfying: your clients, the work you do, or the outcomes you achieve? What is most important to you and why?
- Does your legal service deal with problems you have not handled before or matters you have handled in the past? Is it routine enough to delegate a significant portion to staff?
- How much client contact do you have?

(3) Your Personal Criteria

- Here you may want to ask about the specific issues that you have

devised in your earlier career analysis. How does this practitioner's experience fit with your own standards for evaluating professional opportunities? If the conversation gets to the point that you are comfortable enough describing your own skills, you can say: "I'm a person who is good at this, this, and this. Where do you think I would best fit in?" You are asking for advice, which is different from asking for information.

(4) Conclusion

- Would you be willing to provide me with two or three names of other attorneys in this field who might be willing to advise me as you have done? (The point is to see if you can obtain the names of other knowledgeable people who might also be the subject of a useful interview).
- May I use your name in contacting them? (It will often open doors for you if you can use the name of the individual with whom you are speaking when contacting others).
- May I call you if I have further questions?

4. Conducting the Interview

Arrive on time and be prepared to get to work. Again, be respectful to the attorney's assistant, if there is one. When you begin, you should know enough about your interviewee to open the conversation, using the research and preparation you have already done. Again, the more prepared you are, the more successful the interview is likely to be. Rely on your list of questions, but be flexible. Listen carefully and repeat what you have understood if you can. Often, upon hearing your interpretation, the interviewee will want to rephrase the response. You may want to ask a question in more than one way in order to feel you got a helpful answer.

Be specific by using phrases such as, "Could you give me an example?" The more specific information you gather, the more useful it will be to you later on. Be respectful of the interviewee. Do not overstay your welcome, and move on from a topic if you sense that you have entered into a subject area that is sensitive. Finally, you can always ask if there is a question you should have asked but did not.

5. Note Taking

Some people find note taking a bit difficult because it gets in the way of building rapport. So, always inquire if it is okay to take notes because some people will be put off by it if you do not ask. On the other hand, it can show respect for what is being said. If you do not feel comfortable taking notes, you can record a voice memo on your phone after you leave the interview so that you can record key points while the interview is still fresh in your mind. Either

way, make sure you write a brief summary of the key points you learned shortly after the interview. If you wait too long, unless you have remarkable powers of recall, you will lose much of the specific information and, importantly, the flavor of the discussion. This is especially true if you conduct more than one interview in a day.

6. *Dress Professionally*

When you go for an interview, dress and act professionally.⁴³ There may be a context where you can dress down, but it is a sign of respect that you care enough to dress appropriately.

7. *Always Write a Swift Thank You Letter*

At the conclusion of the interview, always thank the attorney for the time spent, and then send a follow-up thank you note as soon as possible. While email is common practice today, a handwritten note will still stand out. You should draft your thank you note while the experience is fresh, perhaps even on the way home, as a note tends to lose value after several days. Thank your interviewee for the opportunity provided to you. In addition, you can also take a few lines to summarize some of the key things you learned.

You are demonstrating to that person by your response that you paid attention to what he or she said. Not only is a thank you a basic professional courtesy, but it is also important if you need to call back with a follow-up question. Moreover, it is important to preserve the opportunity for a similar experience for your successors. Finally, if you do decide to enter this area of practice, you may want to return with questions about how to make it work operationally, though that is the subject of separate and later homework.

8. *Summarize What You Learned Right Away, Preferably in Writing*

In short, consider your interview incomplete until you have summarized your notes and written a thank you note.

VII. MAKE A PRELIMINARY CHOICE ABOUT YOUR LEGAL CAREER FOCUS

A. *Ways to Think About a Law Practice Focus: Put Yourself in the Client's Shoes*

Once you have done research on yourself, as well as different areas of the law and how they are practiced, try to make a preliminary choice about a focus

43. See Harold M. Goldner, *You're Going to Wear That? Appearance in the Workplace*, AM. BAR, http://www.americanbar.org/newsletter/publications/gp_solo_magazine_home/gp_solo_magazine_index/goldner.html (last visited Nov. 16, 2016) [<https://perma.cc/H6J6-973F>] (describing professional appearance guidelines in different legal environments).

for your legal career. Another way of thinking about your law practice focus is to think of it from the client's perspective. Consider how the lawyers who you know might answer the following question from someone at a cocktail party: "What do you do?"

1. I am a lawyer.
2. I am a lawyer with Able, Baker, and Charlie.
3. I am a [trial, real estate, probate, corporate] lawyer.
4. I help Y kinds of people with X types of legal problems.

Which response will be the most remembered? Likely the last one will be. Avoid generalities and instead articulate your chosen area of practice clearly and simply. Design your explanation to be understood by your client, a non-lawyer. What is the value of your services to your clients? How will you solve their problems?

So often lawyers define themselves by their service, and not by their client needs. Recall Mr. Small: while he might classify himself as a tax lawyer to his colleagues, to the world at large, he is the lawyer who concentrated in helping preserve family lands.

B. Test Your Homework by Undertaking a Second Option Analysis

One way to test your criteria—and the research you have done on different areas of law and how they are practiced—is to re-examine them in the context of specific opportunities as you did when conducting your analysis of options. Here, you should have a more robust set of criteria to determine how they might be applied to real situations, while also checking to see if there are criteria missing from your list. Take the time to do such an analysis on two or three specific legal roles that you have researched.

C. Commit to Your Chosen Role

Finally, commitment matters.

[T]he moment one definitely commits oneself, then Providence moves too. All sorts of things occur to help one that would never otherwise have occurred. A whole stream of events issues from the decision, raising in one's favor all manner of unforeseen incidents and meetings and material assistance, which no man could have dreamed would have come his way. Whatever you can do, or dream you can do, begin it. Boldness has genius, power, and magic in it. Begin it now.⁴⁴

44. *Popular Quotes: Commitment*, GOETHE SOC'Y (Mar. 5, 1998), <http://www.goethesociety.org/pages/quotescom.html> [https://perma.cc/J68V-TYAG] (quoting Johann Wolfgang von Goethe).

VIII. BEGIN TO THINK ABOUT WHAT MAKES AN ENTERPRISE SUCCESSFUL

A. *Target Market/Legal Service*

Having made progress towards a professional focus, you should now clarify and sharpen this focus by making a brief written statement about the market for legal services that you want to fill and with what kind of legal service. The marketing challenge is to bring together the client and attorney who can help that client the most. You may find it helpful to ask yourself what specific client would you most enjoy representing? What individual legal service would you most enjoy rendering to that client? Will your target client be able to generate enough “cases” or business to be sustainable?

Then, write a statement of the target market segment you want to reach, as to clients (who), cases (what), delivery (when and how), and what your competitive advantage happens to be (why). The statement should be brief, though you may also find it helpful to write a summary statement with the following information:

- Target Market Segment:
 - Whom to serve?
 - What service to offer that client?
 - Where is the service located on the “service life cycle” of expertise, experience or procedural work?
 - When and how the service will be delivered?
 - How much client contact is involved relative to back room activity?

Finally, as an aid to your analysis, think about where your client/service focus would fall on the following matrix:

FIGURE 2

Client Focus Service Focus	<i>Few Client Types</i>	<i>Many Client Types</i>
<i>Few Services</i>	Immigration law for citizens of specific country	Environmental law for business/government
<i>Many Services</i>	Corporate, tax, and real estate for developers	General law practice for business and individuals

The more focused you can be on a specific client or service, the better. It will help shape your research.

B. *What Do You Do?*

Distill your response to the question, “What do you do?,” into a written

statement that you can confidently deliver in the time it takes to introduce yourself with a handshake. This is like an “elevator speech” but shorter, as you and your listener would both get uncomfortable with an extended handshake to allow you to speak at length. You may, for example, find it helpful to write out a short sentence that you can commit to memory. Remember to be thinking about what is special about you that will enable you to satisfy the needs of your target clientele not just from your own professional point of view. For instance, an example may be, “I help young families buy their first house.”

C. Legal Fees and Expenses

It is not enough to know your target market segment; you should also attempt to determine how it creates revenue for you. That means understanding the fee structure inherent in serving the anticipated market. Is it transactional, hourly, contingent, or something else? Whatever you do, put a tentative number to it, X dollars per hour, Y fees per transaction, etc., as a way of estimating revenue.⁴⁵ Although the so-called “billable hour” is the classic method of legal billing, the legal marketplace is increasingly recognizing alternative fee structures.⁴⁶

If you plan ever to hang your own shingle, or enter into practice as a partner with other attorneys, it is important to make sure that your revenue meets your professional expenses in addition to your personal needs. Here, it is important to do the scenario analysis in the form of a cash flow spreadsheet of whether you think you can make ends meet in your future role. Make sure that your financial analysis explains the information, both in terms of its origins and also the assumptions you made and why you made them. Numbers are easy to fill in but explaining why the numbers make sense is hard.⁴⁷

You can use handwritten footnotes for your cash flow spreadsheet, though you should also note how you found the information, which serves as the basis

45. See generally ROBERT L. ROSSI, *ATTORNEYS’ FEES* (2d ed. 1995) (describing *inter alia* fee structures and their importance). It is worth noting that there are alternative fee arrangements to the classic “billable hour,” but often it is still a consideration when calculating the alternative arrangements. See Jonathan T. Molot, *What’s Wrong with Law Firms? A Corporate Finance Solution to Law Firm Short-Termism*, 88 S. CAL. L. REV. 1, 7 n.20 (2014) (identifying prevalence of billable hour in alternative billing arrangements); Stuart L. Pardau, *Bill, Baby, Bill: How the Billable Hour Emerged As the Primary Method of Attorney Fee Generation and Why Early Reports of Its Demise May Be Greatly Exaggerated*, 50 IDAHO L. REV. 1, 4-9 (2013) (chronicling rise of billable hour standard practice in firms).

46. See Charles N. Geilich, *Rich Man, Poor Man, Beggar Man, Thief: A History and Critique of the Attorney Billable Hour*, 5 CHARLESTON L. REV. 173, 173-74 (2011) (expounding on alternative fee structures to billable hours). See generally ASS’N OF CORP. COUNS., *GUIDE TO VALUE-BASED BILLING* (2012), <https://www.crowell.com/files/Guide-to-Value-Based-Billing-VBB-Crowell-Moring-ACC.pdf> [<https://perma.cc/VM7U-GMK3>] (providing examples and guides for alternative billing).

47. See *infra* Appendix D (providing sample cash flow spreadsheet). See generally *Accelerator-to-Practice Program*, SUFFOLK U. L. SCH., <http://www.suffolk.edu/law/academics/31538.php> (last visited Nov. 29, 2016) [<https://perma.cc/GN6Q-67D7>] (highlighting program specifics).

for your projections. Note in your cash flow statement that billable hours are not the same thing as hours billed, or hours worked, or even hours collected. Also, cash flow is not the same as income because even on a cash basis, not all cash expenditures are properly expensed in one year. Cash flow statements are only as good as the research and analysis that goes into the assumptions they use, but they can also indicate issues of revenue and cost that need to be sorted out for a future role to be economically feasible. Note that your cash flow also needs to anticipate your own compensation. You should explain your fee projections, such as the basis for any time rate, fee charged, or costs such as rent.

D. Market Research and Competition

Obviously, you are not going to be able to convene focus groups to determine the degree to which you have a market for your target legal service. But you can conduct some preliminary research to see what competition you might face if you undertake a chosen legal role. Questions you will want to ask include:

- How many attorneys currently list as their practice the one in which your target clientele might seek legal services?
- How visible has that area of practice been in the news?
- What is the level of involvement of the community with lawyers in the locale?
- How is this role described in columns about possible legal careers?
- Can you find out the number of clients in a target jurisdiction?
- According to news articles, what kind of legal problems are clients reporting?
- How are they likely to decide upon counsel?
- What information can you find out about potential competitors?

Building on that information, write a brief statement of what that market appears to be and what competition you may have in reaching it.

E. Marketing

Once you have your target market in mind, write a brief statement of how you anticipate marketing your services consistently with ethical rules. You might choose to advertise on the Internet, to write prospective clients a letter, to speak about a type of problem in a public forum, or write a column for a local newspaper.⁴⁸ While marketing is beyond the scope of this Article, keep in mind that taking the time to write or speak about how the law can help solve

48. See generally WILLIAM E. HORNSBY, JR., *MARKETING AND LEGAL ETHICS: THE BOUNDARIES OF PROMOTING LEGAL SERVICES* (3d ed. 2000); GREGORY H. SISKIND ET AL., *THE LAWYER'S GUIDE TO MARKETING ON THE INTERNET* (3d ed. 2007).

client problems is not only a worthy way of educating the public, but also makes you more well known to people who may ultimately need your help.

F. Next Steps

Suppose you decide you want to go into litigation practice with a concentration in environmental cases and public interest clients. What can you find out through online research or through further interviews concerning reasonable strategies to achieve that goal? Strategies might include:

- Further research online, in the library, or elsewhere in your chosen area of practice.
- Internships or externships with local, state or federal agencies, or nonprofit advocacy groups.
- Clerkships after graduation in a court that handles cases of this type.
- Apprenticeships with skilled attorneys in the field.
- Volunteer work for organizations focused on a particular problem, or with Bar Association Committees in your area of interest.
- Your own research and writing about a topic that interests you.
- Further informational interviews with appropriate full-time or adjunct faculty, as well as active practitioners in the field.
- Additional law school or other courses you want to take.

These are not all the steps you might take, but you should get clarity on how you can best advance your career path based on the work you have done so far. You can also consult with the staff of your Career Services office to see what ideas they might have or resources they can suggest. There is no set way to go about this task, but if you can get clarity about what you would really like to do with your law degree, you should begin to plan how you would make that career role a reality.

When you have completed your research on these next steps, write it all down as an action plan, highlighting for yourself activities you expect to undertake and a target date for each. Then, put those dates on your personal calendar, so you will have a reminder that is not just part of your plan. The point is to keep you moving towards your goal.

G. Prepare a Summary Law Practice Plan

The summary law practice plan is your final plan, the capstone of your work. The summary analyzes the apparent feasibility of your preferred professional role, both “internally” as it fits you, and “externally” as it fits the practice environment, drawing upon and synthesizing the information you have gathered.⁴⁹ Suffolk University Law School graduate, Jonathan Davey, an

49. See *infra* Appendix A (offering checklist for your plan). Appendix A additionally summarizes much of the preceding information for convenience.

alumnus of the course, offers this final advice:

The homework described in this article provided the foundation required to hit the ground running as soon as I graduated. The assignments address the real-world practice of law. The course's planning process allowed me to network with alumni who offered further invaluable assistance. This was the most important course I took in law school and paved the way for my practice. It's your future, so why not plan for it? I'm glad I did.

IX. CONCLUSION

The steps in this process are not easy, but the premise for them is that preparation matters in law as a career and an enterprise. The hope is that by taking these steps in planning your career in law practice, you will have enhanced your own opportunities for success in the law. Good luck!

APPENDIX A

The Legal Career Plan and the Law Practice Plan Checklist:

- Self-deposition
- Candid letters of reference
- Personal journal
- MBTI® instrument
- Strong Inventory®
- Reverse of your dislikes
- Obituary or eulogy thirty years from now
- Envisioning your future exercise
- Research practice areas that interest you
- Interview attorneys about their work
- Legal fees research and analysis
- Target market and legal services
- What do you do?
- Market research and competition
- Marketing
- Projected cash flow statement
- Career plan—including criteria and supporting evidence
- Next steps
- Summary Law Practice Plan—your preferred professional role, and why

APPENDIX B

Formatting Suggestions for Drafting Career Plan Criteria:

- Keep your plan to three or four criteria
- An example of a criterion: promote environmental protection
- Underneath each criterion, list the evidence (references to the self-deposition and various exercises, activities, and other tools suggested in this article). Examples of how this evidence can look under your criterion:
 - Promote environmental protection.
 - Self-Deposition P. 25: Did XYZ on ABC project, etc.
 - Strong Inventory®: Interests “very similar” to a forester’s.
 - MBTI® instrument: Preference for gaining information by looking at the whole system rather than specific parts.
 - Letter of Reference 1: Commented on my love of nature and so forth.

APPENDIX C

Sample Request for a Letter of Reference

Dear [Friend]: I would like to ask your help in some research I am doing on the legal work that might best fit my skills and talents. Part of that research involves getting a sense of my capabilities in various situations, even if they are nonlegal in nature. Because you have known me for a while, you are especially qualified to offer a sympathetic but objective evaluation. What I am requesting might be similar to a letter of reference, but one that would go to no one but me.

If you are agreeable to writing such a letter, I would ask that you be as candid as you can, citing not only positive attributes, but also any challenges you perceive because they might be evidence of a useful attribute that is simply out of place in the particular setting. (For example, a capacity to see the implications of the big picture might be helpful in planning but less helpful in a situation that called for close proofreading.)

Use whatever format you find comfortable, but here are some of the issues you might address. Please give as many examples as you can:

How would you describe my strengths—things that seem naturally easy for me to do? For example, “Sue Smith can lead. I recall the time she . . . ,” or “John Jones puts people at ease. I recall the time he”

How would you describe my traits—not so much the things I do, but the way I am? For example, “Sue Smith is articulate. I recall the time”

How would you describe my challenges? For example, “Sue Smith is so well-spoken in her group that other people held back, so she might benefit from listening first.”

In general, please describe those aspects that would strike you as important if you were my employer because they will likely be important to my ultimate employer as a lawyer, or my future clients.

Thank you.

APPENDIX D

Sample Cash Flow:

Here is a simple example of a cash flow for four months. Other expenses than these may be used; the important task is to plan for a flow of funds over time to help you begin to think about the economics of your law practice.

	Jan	Feb	Mar	Apr
CASH INFLOW				
Fees				

Loans (input as received)				
Capital (input as received)				
Total Cash Inflow				
CASH OUTFLOW				
Rent				
Utilities				
Secretary				
Fringe				
Other Staff				
Office Supplies				
Postage				
Insurance				
Telephone and Telecom				
Attorney Salary				
Interest on Bank Loan				
Entertainment				
Total Monthly Expenses				
Episodic Expenses as Incurred				
Pro-Rata Malpractice Insurance				
Library				
Office Furniture				

Transportation (input as incurred)				
Office Equipment and supplies				
Equipment Rental				
CLE				
Marketing/Advertising				
Service Calls or Contracts				
Total Episodic Expenses				
Total Cash Outflow				
NET CASHFLOW (monthly)				
CUMULATIVE CASHFLOW				