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Training Redefined: 10 Ways to Become a Better Litigator

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Most associates in firms of any significant size get emails inviting them to mandatory in-house associate training programs. These programs typically feature one or more partners dispensing wisdom and war stories illustrated by PowerPoint slides of dubious utility, while associates silently pick at sandwiches of dubious freshness. But the classic lunch-and-learn is only one approach—and a dangerously passive one at that—to training lawyers whose stock in trade, after all, will be their resourcefulness, assertiveness, and creativity.

As I see it, wise young litigators have at least 10 different educational paths to follow:

1. Attend your firm's formal associate training programs.

Of course these programs aren't the be-all and end-all of your training as a lawyer, but their unique advantage is that they reveal the things that are important to the partners for whom you will be working. Furthermore, most in-house faculty work hard to prepare training programs, and an equal amount of effort goes into carving out the necessary time to present them to you. Unless a program truly conflicts with a pressing deadline or out-of-town travel, respect the presenters' efforts and attend these programs religiously. For extra points, ask an intelligent question or two.

2. Enroll in CLE courses offered by outside providers such as local bar associations, ABA-PLI, and for-profit conference organizers.

Some local providers charge only nominal fees, while other programs are quite expensive and may involve travel as well. If you are fortunate enough to work for a firm that will pay the registration fees and travel expenses for you to attend an outside program, the least you can do is show up, look up from your BlackBerry, and pay attention. Even if the presentations are less than exciting, you will always learn at least one new thing, and these programs often provide great networking opportunities along with a chance to get out of the office.

3. Enroll in training programs for nonlawyers.

Adult education classes, evening courses at local universities, and stand-alone executive training seminars teach appropriate and desirable skills for lawyers, such as time management, accounting basics, marketing, and public speaking. These programs not only teach critically important skills, but they may also allow you to meet useful contacts in your community.

4. Read books, newsletters, and periodicals on practical skills and substantive legal developments.

A lot of these materials fall into the category of what I call "train reading" because I can usually read one or two chapters or articles on my 45-minute ride home on the commuter rail. (The morning trip is dedicated to my local newspaper and *The Wall Street Journal*.) You can

find useful books and periodicals in your firm library, bookstores, the local law library, or even your local public library. This training mode is low-cost, convenient, and informative.

5. Go online.

There are legions of law practice and litigation-related blogs, articles, webcasts, and other online educational resources to enhance your substantive legal knowledge and practical skills at every level. One obvious example is the ABA Section of Litigation's website. Unfortunately, the amount of material out there is so vast; this is one training program that, once started, never ends. I suggest bookmarking a handful of reliable sites that are updated frequently. When you have some downtime, open them up and see what's new and interesting. Longer articles can be saved for train or bus reading.

6. Assist a more senior lawyer in preparing written CLE materials or an article.

I recommend you take on this type of project as early in your career as possible. While you are cite-checking, researching, and editing, you will be learning at least two important things: You will gain substantive knowledge about the article topic, and you will learn how to put together credible, thoughtful CLE materials and articles in a timely and user-friendly way. These are skills you will use to build credibility and visibility in your field of expertise throughout your professional life.

7. Write an article.

With a little thought and heavy deployment of time management skills, you should be able to crank out short, easy-to-read pieces about important legal developments, practical tips for coping with a legal dilemma, or common "traps for the unwary," of which clients or other practitioners should be aware. Team up with a colleague if the task seems too overwhelming. There are numerous outlets for publishing your work, including bar association committee newsletters, client alerts issued by your firm, and online publications. All that reading you did to follow tips 4 and 5 above should give you some topic ideas. If not, ask a more senior lawyer—or better still, a client—for some suggestions; in the process you will appear to be a superstar go-getter without even trying.

8. Organize an educational program for clients or fellow lawyers.

When you have to personally develop, publicize, and coordinate the logistics for a presentation by expert speakers, you will get yourself up to speed on the topic of the day, and you will become a smarter person and a better lawyer for it. There are lots of opportunities to be the executive producer of CLE and client programs in large firms and bar associations. It takes energy and confidence to pull this off, but organizing programs is one of the most effective forms of training on this list.

9. Volunteer to judge local law school competitions.

There are local, national, and even international law student competitions in client counseling, negotiation, mock trial, and moot court. Acting as a judge and providing detailed feedback to students—even for only one or two nights a year—will give you a keen understanding of approaches that work and those that don't. Because the time commitment may not be feasible for many, I hesitate to suggest coaching high school or college mock trial teams, but there are similar benefits to be gained if you can spare the time.

10. Be a faculty member at an in-house associate training program.

The circle of your training life is now complete. As an in-house trainer, you'll be forced to learn and think hard about the topic you are explaining. You will practice your now-polished public speaking skills to ensure that your audience stays awake. (Among other things, you will never just stand there reading the bullet points on your slides.) As if these tangible training benefits weren't enough, you will gain visibility in your firm as both an "expert" and a good firm citizen.

Of course, we all know that associates receive some of their best training on the job, working on real cases with real clients. How to make the most of those opportunities is a subject for another day—and another article.

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