

Three skills you wish

WHILE UNIVERSITY IS A GREAT PLACE TO LEARN LEGAL THEORY AND ANALYTICAL SKILLS TO THINK LIKE A LAWYER, THERE ARE MANY PRACTICAL SKILLS VITAL TO SUCCEEDING IN DAY TO DAY PRACTICE THAT ARE NOT ALWAYS TAUGHT. HERE ARE THREE.

What is it?	Why should I care?	Consider doing...
Advocacy	As a lawyer, you are essentially an advocate for your client. Therefore, advocacy skills, regardless of whether you practise in a litigious area or a “front-end” transactional area, will always be an essential tool. Advocacy skills come in handy when appearing at court or during negotiations with the other side.	<ul style="list-style-type: none"> For an appearance, make sure to have detailed notes about the case background and try to speak to the other side before your appearance if possible so you can be forewarned about their position and whether they have any objections to your application. Often as a graduate or junior solicitor you may not have much time before a directions hearing/mention/application is heard so try to ask as many questions as you can from the file operator before attending court and prepare as well as possible.
Drafting	As much as you learn about what a contract is or the principles of how to transfer a property at law school, rarely are you required to fill in a standard form or draft a contract. However, in practice, solicitors are required to draft various legal and non-legal documents including affidavits, court forms, letters, emails, advice memoranda to clients, contracts, briefs to counsel and countless other documents. Learning to use the appropriate language and style for each different piece of drafting is crucial.	<ul style="list-style-type: none"> Learn the firm style. Each firm will have their own handbook on whether they like one space after the full stop or two, whether correspondence addressed to a firm should state “Dear Practitioner”, “Dear XYZ Firm” or “Dear Sir/Madam” and whether the number one should be written as a word and the rest of the numbers numerically. They may seem like minor details but firms consider them crucial to uniformity and ultimately a professional look to their drafting. So be attentive and learn carefully.
Billing/costing	Regardless of whether you work for a corporate firm, government, in-house counsel or not-for-profit organisation, every team has targets and KPIs to meet. The sooner you learn what these are and how the organisation makes money, or in the case of government and not-for-profits, minimises expenditure, the better your insight into organisational operations and how you can help them succeed.	<ul style="list-style-type: none"> In most law firms, each fee-earner (lawyer) will have a set annual budget and a daily target of billable hours. Firms often do not require law graduates to meet a budget so use this time to learn as much as you can about the billing and costing process. If in doubt, ask for additional training. Each firm will have their own time recording software so you will need to get used to learning the codes and billable units. The program will also often allow you to keep an eye on how you are progressing.

you had learned at law school

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	Avoid...
<ul style="list-style-type: none"> For a mediation or negotiations with the other side, find out more about the lawyer on the other side. Advocates often have their own style and, over a period of time, certain negotiation patterns emerge. Use the experience of your supervisor and colleagues to find out about the opposing advocate's style, as this may also affect your strategy and negotiation tactics. 	<ul style="list-style-type: none"> When asked by a judge for your name, avoid giving them your first name. As an Associate Justice of the Supreme Court once said to me, "I don't think I will be addressing you by your first name". Don't worry if your first appearance does not go well. As much as you think that after the first disastrous attempt you will be forever remembered as "that lawyer who couldn't remember their own name," judges and other practitioners are very understanding of graduates and junior lawyers. We've all been there. The key is to not let your first attempt put you off. Keep practising and you'll develop the skills (and confidence), and in time the process will be less scary.
<ul style="list-style-type: none"> Always check your affidavits and have your client read the affidavit before being sworn/affirmed. If your client is not fluent in English, ensure that you have a NAATI qualified translator who will explain the contents in the client's native tongue. If the client is illiterate, read the contents to them. Make sure your client understands the contents and confirm that all the details are accurate. This will avoid the awkward situation where the solicitor on the other side receives the sworn affidavit and it reads: "On [date, to be inserted when client brings in document] I saw the doctor..." 	<ul style="list-style-type: none"> Don't respond to derogatory, angry or abusive correspondence straight away. We've all received those emails which make us want to thump out an equally abrasive response. But don't. A good tip is to sit on the email or letter for a day. Then the next day have a supervisor or colleague check it over. By then, you'll have had time to relax and will be much better placed to respond professionally. Remember, your reputation and professionalism are key to succeeding in this profession.
<ul style="list-style-type: none"> You should confirm with your supervisor what is expected of you when you join the firm. Most organisations also have KPIs or targets that will be reached. Some are imposed by the organisation, others may be client requirements. Make sure you are clear on the details of these targets and when they need to be met. Even if it's not a target on which you can have a direct impact, as part of the team, it is important to understand the context in which you are helping others around you. 	<ul style="list-style-type: none"> Don't leave all your time recording to the end of the week. It's tempting when you're trying to juggle a number of things every day but trying to work out on a Friday night why there's three units of time missing from the Tuesday morning can be tricky. Don't talk about your budget with colleagues. Some firms impose confidentiality around each employee's budget so discussing your budget could be a breach of your employment contract. Don't finalise your time recordings without checking them over. Having a bill sent to the client showing you recorded five hours for "pushing a trolley back and forward" is not the best look for you or the firm.
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