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Laura Bradrick

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IMPORTANT INTANGIBLES: CONFIDENCE MANAGEMENT AND EXPECTATIONS

LAURA BRADRICK, ESQ.*

INTRODUCTION

It is my intention to bring to light some important “intangibles” that I have noticed in my legal career and which I believe every practicing attorney, whether new or old, should know and/or recognize and have as part of their “legal bag of tricks.” These intangibles are what I have learned since my introduction into the legal field after graduation, passing the bar, and practicing law. Establishing and maintaining confidence, having a strong management ability, and having the ability to set expectations are all the “intangibles” discussed in this article.

I. CONFIDENCE

It might seem like an obvious statement that to be a good attorney, one needs to have confidence. However, I think the types of confidence and how they manifest are not obvious. Attorneys need to have confidence in themselves, for sure, but they also need to instill confidence in others.

Confidence starts with the self. It is impossible to demonstrate to others, clients, other attorneys, staff, and so on, that you know what you are doing with regard to a case or the law in general if you do not have confidence in yourself. You went to law school for three to four years, you graduated, you studied hard, and, in the end, you passed the bar. Then, you either got hired at a firm or decided to venture out on your own. Either way, you are now officially working in the legal profession. People are coming to you for their legal needs. No matter what legal field you work in, you have the ethical responsibility to be competent. And you are. But do you know it?

Self-confidence may be difficult, and starting out in a new

* Laura is an alumna of Western New England University School of Law class of 2012. Currently she holds a position as an associate attorney at Goldman Gruder & Woods, LLC where she primarily represents clients in commercial and residential real estate matters as well as corporate matters in the Greater New York City area. Laura wants to thank all individuals who have been an influence and guide so far in her career and inspired this symposium piece.

profession where your work impacts other people's lives in a big way, is intimidating and overwhelming. For some, it might be hard to get out of bed in the morning knowing they have to go to review all the documents, information, and materials to then file a complaint, or conduct a closing, or answer a client's questions, and not being totally sure how to do those things. Law school does not prepare a lawyer for the practical aspects of the job (necessarily). Customs of each jurisdiction, or even each courthouse, would be impossible to teach, and one can really only learn by doing. So one must remember not to let errors in these areas bother them, it is just part of the learning process, and the learning curve is different for everyone.

A new attorney's self-confidence will come in time with the more they experience in the legal profession. The first time you form a limited liability company and file with the Secretary of the State (or its jurisdictional equivalent) might be rather nerve wracking. What if you mess it up? The client needs the LLC formed as soon as possible because they are closing on the purchase of the building this week, and even though you may have expedited the filing, what if you forgot something (even though you checked and triple checked)? But then you find out the state accepts the filing, and the entity is formed with no problem. Then you do it another dozen times and, after a while, you are completely comfortable. A client will call you up and ask about forming an entity, and if you can do that, and you can say, with all confidence, "of course! And it's simple, here, let me get the following information from you and we can get started."

But other than getting more comfortable through the repetition of doing something, there are other ways to gain confidence in oneself as a new attorney. According to Dr. Katherine Brooks, director of Liberal Arts Career Services at the University of Texas at Austin, obtaining confidence "requires considerable self-awareness and knowledge."¹ Knowing your limitations, blind spots, and where you might fall on that learning curve will help in that you can take action to learn more about what you do not know. Being realistic about your skill level is important, too, regarding self-confidence. Understand that it might only be the third time you have reviewed a commercial loan package, and that it will take you longer to review and edit same. Remember, you are always learning. Be okay with asking questions when you have them, be prepared to acknowledge you do not know something, but that you are

1. Jacquelyn Smith, *How To Be More Confident At Work*, FORBES (Mar. 6, 2012, 3:35 PM), <http://www.forbes.com/sites/jacquelynsmith/2012/03/06/how-to-be-more-confident-at-work/>.

willing to learn, and be prepared to do the research on something as to reinforce what you were told. Rereading the statutes that you deal with every day (for example, the state's limited liability company statute) will help give a better understanding of why you need the information to form that LLC and about state LLC law in general. It will come in handy further down the line as you get more complex corporate formation tasks assigned to you. There is a learning curve for everyone, and if you are sincere about becoming better at your job and at serving your clients, then you will. You will learn from your mistakes, not beat yourself up about it, and move on.

Once you have confidence in yourself, you need to know how to use it to your advantage—a skill in itself. If you work in a firm with other attorneys that oversee or assign you work, you will need to establish to them that you are competent. They need to have confidence in you. It is true that “[a] healthy level of confidence . . . will make you more likely to engage in challenging but manageable projects, will help you get outside your comfort zone, and allow you to achieve new goals—all of which are valued characteristics of successful workers”² The other attorneys in the firm will assign you more files and more complex matters as their confidence in you increases. You will get more difficult files, which hopefully will mean a more interesting work load, but will also mean more new experiences to add to your resume, thereby further increasing your self-confidence. Again, being realistic about what you can do and what you do is important. Your employer's confidence in you will allow them to unleash you on clients they otherwise would keep for themselves—the tricky client, the sensitive client, the client who asks the most questions, etc. The more you are able to learn to do and deal with as an attorney will only make you a better attorney.

There are other, simpler, things you can do to boost your employers' (and coworkers', staff's, etc.) confidence in you as a new attorney, such as: (1) never miss a deadline; (2) be predictable; and (3) get organized.³ Meeting deadlines will show the members of your firm that you know what was needed to meet the deadline and you were organized enough to do it. If things change, or you were wrong about when you thought the assignment could be completed, the best way to continue to instill confidence is to be upfront about it. Tell whomever you owe the project to at the first moment you know it will not get done

2. *Id.*

3. Rusty Rueff, *How to Help Your Boss Have More Confidence in You*, U.S. NEWS (Dec. 10, 2010, 2:00 PM), <http://money.usnews.com/money/blogs/outside-voices-careers/2010/12/10/how-to-help-your-boss-have-more-confidence-in-you>.

as scheduled so that they can adjust their expectations. Be honest about why it will not get done, do not try to point fingers or blame others, even if it is someone else's fault. Just note that it will not get done on time but will be done on a new date. If it is something where time is of the essence and if it is not done there is no going back, then that is when the late nights and early mornings come in. Hopefully you can avoid those as much as possible, but they will come up every now and again. Being predictable amounts to showing up at the same time every day, assuming you do not have court in the morning, not being late, having the same availability most days, and if your schedule changes, letting people know sooner rather than last minute. Being organized will help you with never missing a deadline and being predictable.

Attorneys need to instill confidence and trust in their clients. Clients need to trust the legal professional they have hired. If a client can trust you, they will want to come back for other matters and will refer their friends, family, and colleagues. That is how your business will grow, and how you will further your career and have the opportunity for more experiences to learn and become a better attorney. Clients will trust you if you have the right amount of confidence in yourself and display it. You can build your clients' trust in many ways. One way to build trust in a client is simply explaining what they need to know in a clear, concise manner, and patiently answering their questions. Understanding their needs and their business or situation will give you an advantage in assisting a client and will likely grow their trust in your ability to help them.⁴

Finding the balance of explaining enough so they understand what they are doing, and understand that you understand what they are doing, but not boring them or going overboard is key. You do not want to go overboard in an explanation as a client might think you are trying to confuse them, and therefore, they cannot trust you and will not have the confidence in you that you want them to have. It is a fine line, but it is not hard to find as you continue to meet with, talk to, and work with clients. Being accountable for the work you take on for your client, returning their phone calls and emails promptly, and acknowledging when you need to look into a question or concern of theirs more and get back to them with a better answer are all ways to boost a client's

4. Ellen Freedman, *7 Ways to Boost Client Confidence and Loyalty*, FREEDMAN CONSULTING, (last visited Apr. 14, 2015) http://www.pa-lawfirmconsulting.com/pdfs/general_management/7%20WAYS%20TO%20BOOST%20CLIENT%20CONFIDENCE%20AND%20LOYALTY.pdf.

confidence in you.⁵ If you tell a client you will look into something, you must get back to them on it; otherwise, they will remember you did not answer them and will think you did not know the answer and are not good at your job, lied to them, or if you really did just forget, that you are too busy and do not really care about them and their matter. That is a quick way to lose a client and their trust and confidence in you.

A client's confidence in you will translate to confidence in your firm overall. In turn, your firm will be confident in you when you gain confidence from your client. Thus, gaining confidence from both clients and your firm will contribute to your own self-confidence. It is a circular pattern that begins and ends with you. To be truly successful, you need all of it—confidence in yourself, the confidence of your firm and colleagues, the confidence of clients, and then the client's confidence in your firm and colleagues so that they will continue to be confident in you. This becomes an overarching theme to your daily work-life and becomes the background noise of your practice. Therefore, it is important to have early in your career to be truly successful later on.

II. MANAGEMENT

Another aspect of the legal career is management. You do not have to be a managing partner to have people and tasks to manage. To start, you will have to manage yourself, and you have to manage your time, your work, your clients, referral sources, and various parties' expectations.

Good management practices start with organization. Keeping your tasks, assignments and matters in order will prevent each from being overlooked. Good organizational management will allow you to remember to follow up with opposing counsel on your client's behalf after three days when those past three days have been filled with working on a multitude of other files. Being organized can help gain your clients' confidence.

Time management is key, as well. Knowing your limits and learning curve will help you gauge how long it will take to complete a task so when another attorney in your firm asks you to take on another file, you will know how long you will have until you can get to it, or how much longer you will have to work to get it all done. A lack of organization might lead to working long hours or not getting work done when you promised it would be done, thereby hurting the confidence and

5. *Id.*

credibility you had otherwise worked up to.

I have found most attorneys do not work in a bubble, but work with the same opposing counsel and referral sources time and again. For example, residential and commercial real estate attorneys work with many of the same attorneys on various sides of a deal. That can create an advantage for yourself and a client in the future, as you can gain a sort of kinship with those other attorneys. Yes, you will be on opposing sides, but in the real estate world at least, the overarching goal is to get the transaction completed with both sides happy. How a relationship such as that is managed can certainly affect the present deal you are working on but also any future files with the opposing attorney. Being able to manage that person to the best of your abilities, and to the advantage of your then-client, will likely help yourself and your future clients. Again, how these relationships are managed become the background to how you run your daily practice. Whether you are courteous to the people you work with or are always pushing for only the absolute best will determine what kind of attorney you will be thought of and how people will deal with you. And likely you will be a different type of attorney depending on who your client is at the moment, what their goals are, and who is on the other side. Knowing that kind of thing will affect you and your clients. It becomes second nature and you will not be conscious of doing it, but it happens, and is important to recognize in the beginning, if not every now and then as you are representing a client.

III. EXPECTATIONS

Expectations—such a loaded word for one in the legal field. A lot of people will have a lot of expectations on many levels. You have expectations for yourself, your firm has expectations for you, and clients do too. Managing expectations will be one of the most important things you can learn to do early in your legal career.

To manage expectations of those who work around you and with you, you will first need to understand your own expectations, which means having a realistic view of your abilities, workload, and resources. You need to know how long it might take you to complete one assignment. When your supervising attorney asks you if you can cover a closing or court hearing or whether you will have time to do that and still get your other tasks done when you said you would, it is imperative that you are aware of your scheduling limitations. Again, organization and time management skills will allow you to better understand your own abilities. Then you can tell your supervising attorney what to expect if

you do cover the closing or court hearing; it might set you back a few hours or days in getting that memorandum done, and let them tell you what is more important. By letting others know what to expect you help manage their expectations. When their expectations are managed through your communication and then by reliably following through on what you have said, you will continue the circle of confidence through meeting the expectations they have for you.

It might seem simple to manage the expectations of those around you. But they cannot read your mind and you cannot read theirs. The best way to avoid any confusion and meet the expectations of others is to tell them what to expect. To do this one must be honest from the beginning, explaining details and processes and answering questions.⁶ Providing status updates and reports before being asked about a certain matter is also beneficial.⁷ It shows you are on top of a matter, thinking about it, and following it up. It stops someone, from a client to a supervising attorney, from spending too much time thinking about the matter themselves when they finally get back to it, avoiding unnecessary checking and questions that can otherwise be avoided. If you let them know you are on top of a matter by getting to them first, they will assume (correctly) that you have it under control and not to worry. But if you want people to expect you to complete a task in a certain time frame you need to tell them when it will get done based on your work load, your abilities, and your resources. Telling others what their expectations should be will put you ahead.

The best way to keep a client happy, to make sure a client will come back, and to avoid even the possibility of a grievance or disciplinary action, is to properly manage a client's expectations. For example, when I am working with someone who wants to form a new limited liability company (LLC), I go through the whole formation process depending on their certain situation. This means explaining all of the information I will need to form the LLC, why I need it, and the differences in some aspects of the formation versus others. I then discuss what happens when I file with the state, how long it can take, what happens if we accidentally do something wrong, etc. I go over what happens once the LLC is formed as well so the client has an idea of what they will need to do once they have their entity officially formed with the state (i.e. whether they will need to open bank accounts and

6. Annie Pace Scranton, *The Top Five Tips For Managing Client Expectations*, FORBES (July 22, 2013), <http://www.forbes.com/sites/85broads/2013/07/22/the-top-five-tips-for-managing-client-expectations/>.

7. *Id.*

what they will need to do that, what they will need to discuss with their accountant, etc.). Even though the overview might be long and detailed for a client, when we are part way through the process and a client wants to know the status of the formation, they will have some idea what to ask me, and I can happily recap: “as you will recall, we filed the documents and are now waiting for confirmation Once I have that, I will contact you in order to obtain the federal employer identification number. Because it was filed on this day, I expect the state to have completed reviewing and accepting the documents in ‘X’ days.” That way I again reaffirm the client’s expectations, instill the confidence in them that I formed their entity correctly, and all is underway.

When the matter is complete, I can recap what we did and provide them with all of the final documentation. Because I maintained their expectations properly throughout by keeping in contact with the client, answering questions, and explaining the process (sometimes more than once), they will be happier and trust me to be the great corporate attorney they knew they hired. When that client wants to get a small business loan backed by the SBA,⁸ they will think of me. When their friend or colleague wants to form an entity, they will think of me. When they want to bring on another partner in their booming new business, they will need to revise the operating agreement, and will come to me. Again, it all has to do with confidence and trust in all parties. But it is part of what makes one a better attorney and advocate for a client, and makes the practice of law a little bit easier.

CONCLUSION

It is easy to see how all three of these skills are related. Confidence, management, and expectations are intertwined. I have found in my personal practice that these all affect my practice as an attorney every day. I might not be consciously thinking about each skill with every phone call or email I send, or with every new assignment or closing I attend, but they are each there in the background of my daily practice. I have only seen my own abilities strengthen over the course of my time as an attorney, and I know I will continue to grow as I continue in my career. But these three “intangibles” are the guiding theme to my daily practice, and I think they are a part of many, if not all, attorneys’ legal careers whether consciously realized or not. Therefore, the more one can recognize and build these skills in their own practice, the better they will become in all aspects of their career.

⁸ Small Business Administration.