

# Young Lawyer's Corner

When I worked as a journalist, writers in the newsroom often talked about “finding your voice”—the concept that, to be a great writer, you had to capture the elusive style that made your writing distinctly your own. That theory is not lost in translation when you begin the practice of law. If anything, finding out what works for you as a lawyer can be much more daunting.

What skills do you have? What separates you from your peers? What makes you unique as a lawyer? These are not easy questions to answer for any attorney, much less for one just starting out.

The reality is, when we first begin the practice of law, we are, for better or for worse, probably best at doing what we are told. And early on, we usually have to be told how to do everything. Part of it is simply inexperience. Who hasn't thought: How can I be expected to contribute meaningfully when I don't even know enough to know what I don't know?

Part of it is also the mindset with which we begin our practice. We are oriented for completing tasks. From the first day of grade school until the last day of our 3L year, we slavishly follow the same task-driven schedule: attend class, take notes, do homework, take test. Queue repeat. If you let it, a law firm job can be eerily similar. And as young lawyers—and I count myself among them—it can be a hard-to-shake routine.

The goal, however, is presumably to be more than just the vehicle through which work product is created.<sup>1</sup> Long-term success depends, in part, on becoming an attorney not just adept at completing tasks, but one capable and trusted to make key decisions, develop strategy, and lead a comprehensive litigation effort.

The transformation process isn't easy or quick. I don't pretend to have all the answers. Nor do I believe I am there. But as a young



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lawyer, I do know you must have opportunity to flourish. And opportunity isn't always easy to find. As with everything, part of it is being in the right place at the right time. There are those who will say, when you are young, working on complex litigation is probably only good for mastering document review. But, if you are a young attorney involved in a mass tort, it is your job to turn the litigation into your right place and time.

Mass tort litigation can involve hundreds, if not thousands of cases, often spanning countless federal and state jurisdictions. While some cases may be consolidated in Multi-District Litigation or before a single state court judge, others will be scattered throughout the country's various state courts.

So, what does that mean for you?

The practical impact is that, while your peers may be working on 10 cases, you might be responsible for, say, 40. Migraines notwithstanding, the upside to being handed a large mass tort docket is, of course, that it usually comes with increased autonomy—a rare commodity for a young lawyer. Mass torts involve countless moving parts. The folks you work for don't have time to hold your hand. Use the opportunity to spread your wings.

These are now your cases. You've been given the freedom (some) to run them. Sit the blackberry down and treat them accordingly. Give each the level of consideration and attention it deserves. That means not only mastering the details, but also stepping back and looking at the big picture. You can't view the world strictly from a micro-perspective. Lawyers—young and old alike—have a nasty habit of zeroing in on only what is directly in front of them. Just because you've calendared the deadlines for next week does not mean you are any closer to reaching your ultimate desired outcome in the case.

Of course, with freedom comes responsibility. Finding your voice also means not being afraid to make a recommendation or express your opinion. Does that mean everyone is always going to agree? No. Does it mean your decision will be the final one? No. Will you occasionally sound like a moron? Probably. But you don't make life easier for anybody by being a conduit only for passing along questions without answers. And that certainly doesn't get you any closer to being the lawyer you want to be. This is an opportunity to put your imprint on a case. Do your best to make it a positive one.

More than just managing cases, mass tort litigation offers young attorneys the chance for “practical experience.”<sup>2</sup> For young attorneys—particularly at larger firms—the chance to take that first (or second or third or fourth . . .) deposition can be elusive. While you may be told “all you have to do is ask,” facts often dictate reality. If



you are working primarily on individual cases, there are likely limited deposition opportunities. Moreover, depending on the profile of the case—and what attorney doesn't like to think the case they are working on is "big"—those few depositions are likely to go to someone more experienced, regardless of your protestations. In the mass tort universe, things tend to be a bit more skewed in your favor.

First, with potentially hundreds of cases on file, the sheer number of depositions required by both sides is significant. Second, mass tort depositions are a ripe training ground for developing your techniques and strategy in an advantageous format at an early stage in your career. Plaintiff and fact witness depositions often involve nearly identical legal and factual issues, and similar depositions taken by more experienced attorneys can serve as guideposts. Take advantage. Don't sit in your office and wait for the deposition (or whatever experience you may be clamoring for) to come to you. It probably won't. Instead, make a case for why you can be trusted and are capable. If you are told no on the first deposition, ask for the second one. If you are told no on the 14th deposition, ask for the 15th one. Mass tort litigation can offer a buffet of practical experience opportunities for a young attorney. But sometimes you have to keep getting back in line.

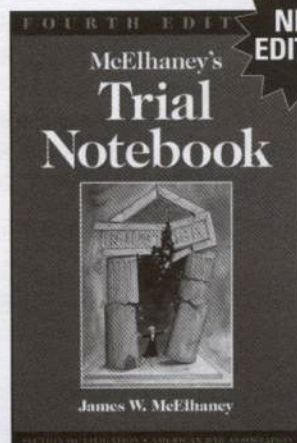
Is this new advice? Hardly. But, the alchemy of turning advice into practice is often easier said than done. For a young attorney, mass tort litigation can provide a great platform for developing your skills and figuring out what works for you, even if the ride is not always smooth.

After I left the newspaper business, I realized that finding your writing voice was a process that did not end. There would never be that "ah-ha" moment. Of course, that didn't mean you stopped working at it. You kept searching for the experiences and methods that would best illuminate your talents. Being a young attorney should not be any different.

#### Endnotes

- 1 The author acknowledges that those for whom you work for may dispute this statement.
- 2 Which falls somewhere below "Market Adjustment" and slightly above "Summer Associate Lunch" in the young attorney lexicon.

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