

HOW TO SUCCEED AS A SUMMER ASSOCIATE AND THROUGHOUT YOUR LEGAL CAREER

Monday, April 17, 2017, 4:00 p.m.
Lipton Hall, D'Agostino Hall

**JORDAN KAYE, ESQ., MANAGING DIRECTOR
THE PETERSAN GROUP**

Jordan Kaye is a Managing Director of The PeterSan Group and recruits partners, associates, and in-house counsel for leading law firms and corporations throughout the world. Mr. Kaye takes a consultative approach to legal placement by helping clients and attorney candidates define their long-term objectives in the context of the dynamic realities of the marketplace. Prior to joining The PeterSan Group, Mr. Kaye practiced law for seven years at Kramer Levin Naftalis & Frankel, specializing in litigation and creditors' rights. Mr. Kaye clerked for the Hon. José A. Fusté of the United States District Court, District of Puerto Rico, and began his law career in an in-house counsel role for a federal law enforcement agency. Mr. Kaye received his BA, *magna cum laude*, in philosophy from Tufts University and his JD from **New York University School of Law** in 2003.

**ELENA LOBO, ESQ., ASSOCIATE
CLEARY GOTTlieb STEEN & HAMILTON**

Elena Lobo is an Associate at Cleary Gottlieb Steen & Hamilton and her practice focuses on corporate and financial transactions in Latin America and the Caribbean, and she is active in Cleary's pro bono practice. Ms. Lobo earned her BA, *magna cum laude*, Phi Beta Kappa, from Brown University in 2008 and her JD from **New York University School of Law** in 2013, where she was an Institute for International Law and Justice Scholar and Casebook Staff Editor for *The Moot Court Board*. She is proficient in French, Portuguese and Spanish.

**SUSAN OSNATO, MA, CHIEF, LEGAL RECRUITING AND PROFESSIONAL DEVELOPMENT
SIMPSON THACHER & BARTLETT**

Susan Osnato is the Chief of Legal Recruiting & Professional Development at Simpson Thacher & Bartlett. Ms. Osnato leads the Firm's global efforts on legal recruitment, talent development, training, evaluations, mentoring and integration. She provides attorneys with support and direction in the development of their careers at each steps. She also collaborates closely with the Diversity and the Women's Committee to advance the firm's diversity agenda. Ms. Osnato received her MA in Organizational Psychology from Columbia University Teachers College and her BA from Washington and Lee University.

**ANTHONY ROTHERMEL, ESQ., PARTNER
KING & SPALDING**

Tony Rothermel is a Partner in King & Spalding's Financial Institutions Practice. Mr. Rothermel has experience in mergers and acquisitions, private equity transactions, funds formation transactions, joint ventures, infrastructure projects and general corporate matters. Mr. Rothermel has represented clients in a number of industries, but primarily focuses on transactions in the real estate industry. Mr. Rothermel received his Bachelor of Business Administration, from The University of Texas in 1991 and his Master of Professional Accounting from The University of Texas in 1992. He received his JD, *magna cum laude*, from **New York University School of Law** in 1995.

Moderator:

MOON KIM, ESQ., ASSOCIATE DIRECTOR

OFFICE OF CAREER SERVICES, NYU SCHOOL OF LAW

Moon Kim is an Associate Director in the Office of Career Services at New York University School of Law. Ms. Kim earned her BA, *magna cum laude*, Phi Beta Kappa, from Georgetown University and her JD from **New York University School of Law** in 1995, where she served as a Senior Articles Editor of the *Annual Survey of American Law*. Prior to joining NYU School of Law's Office of Career Services, Ms. Kim was a litigation associate in Dorsey & Whitney's New York office.

HOW TO SUCCEED AS A SUMMER ASSOCIATE AND THROUGHOUT YOUR LEGAL CAREER

I. Professionalism:

- A. **Your reputation is your most valuable commodity.** You are always being evaluated for your professionalism and behavior, whether at a client meeting, firm social event, or in your office over the weekend. To date you may have been judged exclusively on academic performance; success in a law firm is based upon other qualities, such as judgment, interpersonal skills, leadership and time/people/resource management. Behavior is the most important indication of an individual's judgment. When in doubt, skip the alcoholic beverages and keep a clear head, even if others do not. Be careful about humor, jokes and actions; sexual harassment is not a hypothetical topic.
- B. **The legal industry is a service industry.** Demonstrate responsiveness and reliability by promptly returning phone calls and emails, and meeting deadlines. You must inspire confidence in clients, partners, associates and staff.
- C. **Be consistent in your performance.** Many of your assignments may not be complex or difficult; being an effective attorney means handling any/all tasks thoroughly, promptly and well. The degree of trust you inspire will determine the amount of responsibility with which you are entrusted.
- D. **Be a team player.** No associate is an island; don't try to upstage others, either your summer associate colleagues or other attorneys. Don't be competitive; your good work should speak for itself.
- E. **Resist the tone of entitlement.** As an NYU Law student, you may have been heavily recruited and you may be wined and dined over the summer. Don't let it inflate your sense of self-importance. Once you have proven yourself, law firms can be very supportive and even flexible in helping you achieve your professional goals—but first you must establish your reputation.
- F. **Poor judgment costs law students permanent offers.** Law students rarely fail to receive positive evaluations and permanent job offers due to poor work quality. The problems almost always stem from exercise of poor judgment:
 1. Not communicating problems with work until it is too late;
 2. Overindulgence at social events or inappropriate behavior;
 3. Inability to get along with others, to understand law firm culture and hierarchical structure;
 4. Arrogance or a bad attitude about work; lack of hard work/cooperation.

II. General Demeanor/Behavior:

- A. **Maintain a positive attitude.** If you are feeling ambivalent about your experience, do your best to suppress those feelings around the office. If you verbalize your uncertainty about the firm's geographic location, practice or culture, your unhappiness may become a factor when the firm is deciding whether to extend you an offer. If you choose to reinterview through EIW, having an offer for permanent employment from your summer firm will boost your candidacy.
- B. **Attend firm social events regularly.** Summer associates may be expected to attend many social events while still completing assignments thoroughly and on time. Firms are more likely to extend permanent offers to summer associates who make a sincere effort to become socially integrated at the firm. Take the initiative to meet attorneys, especially those with whom you would like to work. Be yourself and make friends; summer classmates can provide reliable feedback and tips. However, attendance at firm events and summer lunches should not be at the expense of your work. Note that it is generally inappropriate to bring guests to firm events unless the firm specifically extends an invitation to guests.
- C. **Be careful about confiding in work colleagues.** Those at work are your professional colleagues more than they are your friends, and their primary concern is the work of the firm.
- D. **Be consistently courteous to support staff,** including the recruitment staff, paralegals, secretaries, messengers, mailroom and duplicating center staff, security personnel, and other firm employees. Your ability to get work done now and in the future will depend upon these people. The recruitment coordinator is an important ally and often has a strong "informal" influence on your return offer. Resist the urge, however, to 'spill your guts' or 'let

your hair down' with recruiting personnel. Give specific instructions to support staff members; try to anticipate your need for night or weekend support in advance.

- E. **Maintain client confidentiality.** Do not discuss firm/client matters or read confidential materials in public areas, such as elevators, restaurants or the subway.
- F. **Be selective in your comments when asked for a critique of the summer program.** Present any suggestions in a positive and constructive spirit as you are still under evaluation. Critiques occasionally allow a firm to uncover a disgruntled employee or someone with a perennially bad attitude.

III. Assignments:

- A. **Approach all assignments with enthusiasm.** Do not communicate any criticism or negative commentary about a partner or associate, summer associate or client. If an assignment is ethically objectionable, talk to your OCS counselor for advice or ask your mentor for the best strategy to deal with this issue.
- B. **Quality is job #1.** You do not win extra points for taking on a huge number of assignments if you don't complete them in a timely manner and with a high degree of excellence. Proofread all memoranda, even emails, for typos. You are being judged, in part, for your attention to detail; if you do not demonstrate your care and diligence on the simplest tasks, you will never be entrusted with the complex matters. Even if an assigning attorney asks for a "draft," be sure it is in the best shape possible. Use Spell Check carefully, and do not rely on it to catch all spelling and grammatical errors.
- C. **Know your deadlines and meet them.** While you should not turn down assignments regularly, you should let assigning attorneys know about other projects and their deadlines. Similarly, let assigning attorneys know immediately if a deadline cannot be met and inform them of any delays. Ask for help in prioritizing assignments, if necessary; it is not your role to determine which project is more urgent.
- D. **Always take a pen and legal pad whenever meeting with any supervising attorney, whether a partner or an associate.** Write everything down; terms and details that may not make sense initially will be invaluable later on. Always ask for and write down the client and matter numbers, the due date, and the form in which the assigning attorney wants your work product (e.g., memorandum, brief, verbal answer).
- E. **Ask questions to clarify each assignment and the issues to be researched.** Ask the attorney to focus the issue as much as possible and for as much background information as may be available. Ask whether there is a more junior associate on the matter to whom you can refer your questions; it is often not possible or cost-effective for a busy partner or senior associate to provide you with guidance throughout the assignment. Try to ask all your questions at once so that you do not have to return many times.
- F. **Be resourceful in finding the information and research materials you need.** Always consider efficiency and avoid "reinventing the wheel." Junior associates and the professional library staff at the firm are excellent resources. Similarly, use forms or templates when available.

IV. Feedback/Evaluations and Mentors:

- A. **Embrace feedback as a key component of your education, and do not pressure yourself with expectations of perfection.** Your supervisors will look for a positive attitude in understanding mistakes and taking affirmative action to improve your skills. Above all, your first legal job should be a learning experience.
- B. **Recognize that feedback can be formal or informal, and seek out the feedback of supervising attorneys on your work.** Make a polite request by email and be persistent in following up, but don't be a nag.
- C. **Find out if your firm assigns mentors; if not, find one.** NYU alumni are an excellent place to start. Take advantage of having a mentor to guide you and to answer your questions about the firm, assignments, procedures and other issues that may arise during the summer.
- D. **If you have any inkling of a problem at your mid-summer evaluation, call your OCS counselor immediately to develop a strategy for the remainder of the summer.**

V. Office Protocol:

- A. **Hours.** In general, law firms expect associates to be in their office by 9:00 a.m. each business day, and you should consider yourself "on-call" throughout the day. Check with your supervising attorney before scheduling

any daytime appointment or errand, and, if you must leave, always be reachable by phone and by email if you have been given a Blackberry. Inform your secretary of your whereabouts if you leave your office so that you can be located easily. Expect to work 7 to 10 hours of true billable time per day, Monday through Friday. Be prepared to work on weekends as needed.

- B. **Dress code.** Conform to the office dress code; look to other associates for standards. Do not seek to stand out because of your personal appearance. Keep a pressed suit, clean shirt and appropriate accessories in the office in the event of an unexpected client meeting or court appearance. You would not want to be left behind for lack of proper attire.
- C. **Responding to emails and telephone calls.** Return time-sensitive emails and telephone calls within a half hour if possible. If your firm has given you a Blackberry, you are expected to be accessible by email and be immediately responsive. When clients email or call, let them know you are working on their questions and you will be conferring with partners/associates; it is fine not to know an answer, but failing to respond to an email or call is not acceptable.
- D. **Use of email and the internet.** Assume someone at the law firm is reading all your email; never use it for pranks, junk mail, jokes, games or personal use. Beware of the feature that sends email to everyone/replies to everyone; always review who is listed in the "To:", "Cc:" and "Bcc:" categories before sending an email. Refrain from using the internet for personal reasons.
- E. **Use of copy and fax machines, and long distance telephone calls.** Clients are charged for these services. Learn and follow the proper procedures for billing clients accordingly.
- F. **Use of Lexis and Westlaw.** Make sure it is permissible to use these services on each client matter; incurring these charges may not be appropriate for some clients or matters. Call the Lexis and Westlaw 800 numbers for help with your searches if necessary; each firm has a representative to help you use these resources efficiently and effectively. It is never appropriate to utilize your NYU Educational Account with Lexis or Westlaw to conduct research for a law firm or client.
- G. **Billing and time records.** Keep accurate and detailed time records. Bill all time spent on an assignment; the partner will decide if time is "discounted." Do not inflate hours or "round up." Bathroom breaks and phone calls must all be subtracted from billable time. Learn the firm's policies and spending limits for billing meals and car service.

VI. Additional Strategies for the Summer:

- A. **Departmental offers.** If you hope to be given an offer in a particularly small or popular department, be sure to work closely with several lawyers in that department so that you can begin to think about and plan for your choice(s) early. Being "flexible" in your choice(s) of department will also help insure that you receive a permanent offer. Try to ascertain whether the firm definitely has openings for new graduates in your department of choice. Some NYU students have lost permanent offers when their departmental choices (submitted at the end of their summer) did not match the firm's needs.
- B. **Splitting summers.** If you are splitting the summer, realize that you need to accomplish ten-plus weeks of work and socializing in fewer weeks in order to obtain two return offers. Work to maintain your energy and enthusiasm during the second half of your summer when summer associates typically begin to feel burned-out. You want to strive to be just as well-known and well-regarded as your summer associate colleagues who are spending the entire summer at the firm. Because the presumption is that your loyalties are divided, extra effort is often required to earn a return offer.
- C. **Preserve your options.** All 3Ls should plan to participate in **Early Interview Week from August 9-11, 2017** to cover all of your bases, since several law firms do not give permanent offers until after EIW has taken place. 3Ls are permitted to drop their entire EIW schedule once a permanent offer is secured.

VII. What to Do If You Do Not Receive a Return Offer:

- A. **Some firms give their summer associates early assurances that there are enough permanent offers for everyone at the end of the summer.** The firm's goal may be to put you at ease and give you a sense of confidence early in the summer. By dispelling your concerns, they hope to increase group morale and decrease competition among summer associates. **Realize, however, that these promises may or may not be fulfilled at summer's end.**

B. If you do not receive a return offer from your summer employer, we recommend that you take the following steps:

1. Clarify with your firm exactly why you did not receive an offer. Employers decide not to extend offers to summer associates for many reasons. Sometimes these reasons are clearly explained to the student, but more often the explanations are vague. Determine if the problem was simply a “run-in” with one partner or if your basic legal skills were called into question; it is always easier when the firm can confirm your good legal skills.
2. Immediately inform your career counselor at the Office of Career Services. Meet with your career counselor to develop your job search strategy. If you believe that the decision not to extend you an offer was based upon discriminatory or other illegal reasons, please discuss the situation with your OCS counselor.
3. While it is very difficult under the circumstances, make every effort to approach the situation calmly, rationally, and with a positive attitude. Do not confront those supervising attorneys who supplied negative reviews, but seek them out with an open-minded attitude and look at the situation as objectively as you can. Identify how you can learn from the experience. Regardless of who is right or wrong, if you approach this difficult situation in a positive way, you are more likely to secure the firm’s cooperation and assistance going forward—and you will need it.
4. Find out how many offers the firm has actually given, and in what departments. The higher the proportion of students who did not receive offers, the less weight prospective employers will place on your lack of offer.
5. Upon confirming the firm’s policy on references, establish two references at the firm. The advice of the hiring partner can be helpful. Find out exactly what your references will say. Your version of your review should mirror your references. Getting a written reference letter on the firm’s letterhead (though lawyers may be reluctant to give you one) gives you more control in later interviews than a telephone reference.
6. Get a reference letter from either a professor or from a prior legal employer, in addition to your references from your summer firm.
7. Plan to increase your volume of interviews during EIW and Fall OCI, and embark on an aggressive networking and letter-writing campaign.
8. Spruce up your writing sample. Select a legal writing piece you believe best reflects your analytical abilities, clarity of communication and attention to detail. If you decide to use an assignment you prepared in the course of your summer job, you must receive express permission from your employer to use work product for this purpose. All identifying factual information must be taken out or redacted before the assignment is shared outside of the firm.
9. Work closely with an OCS counselor to prepare for your interviews and schedule a videotaped mock interview. Be confident and non-defensive in your interviews although you may be feeling shocked, hurt and angry about your non-offer; work through those feelings with your counselor in the OCS before you embark on any interviews. During your job search process, never speak critically about your summer employer. You will need to be able to answer the question “Did you get an offer?” easily and comfortably.

VIII. Real World Examples of Career Limiting Behavior:

- A. Unimpressed with the quality of the wine being served at the summer welcome dinner, summer associate orders a special bottle of wine and charges the wine to the firm.
- B. Summer associate complains about having a windowless office and then claims to have been “promised” a window during the interview process.
- C. Summer associate paints her toenails in the office, assuming 10 p.m. is “her own time.”
- D. Engaging in public display of affection with another summer associate in library.
- E. Throwing up after a firm cocktail party as a result of excess consumption of alcohol.
- F. Visiting Internet porn sites at the office. Forwarding sexist/lewd jokes to other attorneys at the firm.

- G. Summer associate is not available to stay late to assist in a closing in order to have drinks as planned with other summer associates.
- H. Removing several attorneys' phones for an afternoon as a practical joke.
- I. Organizing summer associate outing to strip club and billing firm.
- J. Telling a partner that the way he is trying to make a fire during a firm canoe trip is "dumb."
- K. Using meals budget for personal grooming, including a manicure/pedicure.
- L. Trash-talking a colleague in public area in law firm.
- M. Filing a motion without attachments...and blaming the secretary.
- N. Making typographical errors in memoranda.
- O. Refusing to work past 7:00 p.m. or on weekends.
- P. Failing to note negative treatment of cited caselaw.
- Q. Yelling at support staff.
- R. Missing a deadline.
- S. Summer associate makes up citation to support the position he/she is trying to prove in a brief filed with the court (resulting in immediate termination and letter to Board of Professional Responsibility).
- T. Summer associate gives client legal advice without the express permission of supervising attorney.
- U. Refusing to make edits to a draft brief because "I was an English major in college and I know your edits are incorrect."
- V. Turning in a research project that did not answer the question assigned.
- W. Plagiarizing paragraph in memorandum from hornbook.
- X. Falling asleep at negotiation session in conference room.
- Y. Asking printer to create 500 copies of bound document instead of 50 after mishearing directions from partner.
- Z. Summer associate is participating on a conference call with a partner. At 6:45 p.m., summer associate points to her watch, whispers "I have concert tickets," and leaves the room.
- AA. Inviting colleagues (associates and partners) to one's office regularly to watch the sunset, when they all have the same view.
- BB. Arriving two hours late for a morning meeting (hangover). No call in advance or apology thereafter.
- CC. Not knowing how to edit document using "track changes," or asking anyone; then making the edits untracked, and telling the assigning partner that he can compare the two documents in order to ascertain the changes.
- DD. Continuously texting during summer training sessions, led by firm partners.

PROTECTING YOUR ONLINE PERSONA

Many law students have developed an online persona, whether through social media and networking accounts like Facebook, Instagram, Twitter and LinkedIn, a personal webpage or blog, group emails and listservs, or even private emails. Employers are aware of applicants' online personas, and are turning to such online sources to research a candidate before making hiring decisions. In response to this, the Office of Career Services (the "OCS") wants to remind you about the career impact of posting information about yourself online.

There are obviously legitimate and constructive purposes for online fora like blogs. On the positive side, some attorneys say that running their own blogs enhances their credibility with clients, potential clients, and adversaries. As a law student, creating your own blog or participating openly in online exchanges can be useful in becoming known in a particular professional community. These online exchanges have the benefit of prompting dialogue and exchange with lawyers and journalists from afar; they provide a new academic and professional forum, one more widely available to the public. Some even believe that blogs can add to a student's credentials, revealing you as an interesting, motivated emerging lawyer.

However, there is potential for serious career pitfalls in posting information about yourself online. We want to remind you that identifiable information can be gleaned even from brief postings, such as a comment on a friend's Facebook page, let alone from larger bodies of information like personal blog posts. Even e-mails have the potential to be forwarded to an unintended audience. A quick Google search will allow potential employers to see anything online which is connected to you. In short, you have curated an online persona and it should reflect well on you. Take advantage of privacy controls when posting personal information on social networking sites, but also realize that curious visitors may be able to find ways around privacy settings. Operate under the assumption that anything on the web posted by, or about, you will be discovered by a potential employer, even if you think you are posting anonymously.

The OCS urges you to be cautious when using social media accounts, blogging, and even e-mailing. You should feel comfortable disclosing everything connected with your name online to a potential employer. If you are concerned about a potential employer viewing information about you online, please do not hesitate to discuss the matter with a career counselor in our Office.

Listed below are a few recommended articles:

- (1) How Social Networks Impact Your Job Search, Kerry Hannon, *AARP*, June 14, 2016
<http://www.aarp.org/work/job-hunting/info-2016/social-media-impacts-job-search.html>
- (2) 6 Social Media Slip-ups That Could Cost You A Job, Isabel Thottam, *Monster*, June 30, 2015
<http://www.monster.com/career-start/a/6-social-media-slipups-that-could-cost-you-a-job>
- (3) Your Social Media Footprint: Friend or Foe?, Shannon Thomason, *UAB News*, March 27, 2015
<http://www.uab.edu/news/youcanuse/item/5898-your-social-media-footprint-friend-or-foe>
- (4) Jobvite Infographic: Watch What You Post on Social Media, Kimberley Kasper, *Jobvite*, February 17, 2015
<http://www.jobvite.com/blog/jobvite-infographic-watch-post-social-media/>
- (5) The 7 Social Media Mistakes Most Likely to Cost You a Job, Jacob Davidson, *Time*, October 16, 2014
<http://time.com/money/3510967/jobvite-social-media-profiles-job-applicants/>
- (6) New Study Says People Still Don't Understand Their Online Lives Can Cost Them Their Real Jobs, Kate Knibbs, *Digital Trends*, June 3, 2013
<http://www.digitaltrends.com/social-media/yes-for-the-last-time-your-potential-employers-are-judging-you-by-what-you-put-on-facebook/>
- (7) Ten Tips for Maintaining Professionalism Online, Agnieszka McPeak, *The Young Lawyer*, June 2012
http://www.firstamendmentlawyers.org/articles/2012_2_0703profonline.pdf