
HOW TO MAKE THE MOST OF YOUR SUMMER JOB

Twenty Tips for Summer Clerks

Pacific/McGeorge School of Law • Career Development Office

1. Understand Your Assignment.

Some legal employers provide an organized and streamlined process for distributing assignments to summer clerks, but you may find yourself in a situation where expectations are quite unclear. Problems begin when clerks get their assignments from partners or associates who give incomplete, hurried, or vague directives. Try not to leave your supervising attorney's office without knowing the following:

- the identity of the client;
- the form of response that the supervising attorney and client expect (e.g., oral report, written memo, letter, pleading, etc.);
- the context in which your work will be used;
- the deadline (ask how much time you should spend on an assignment);
- the sources you can use and where the files are located;
- the necessary billing information;
- any statutory and case law authority the supervising attorney deems important.

2. Make Sure You Understand the Facts.

Virtually all research assignments are law-to-fact applications. It's therefore essential that you understand the relevant facts that apply to your client's situation. Only then can you determine whether your client's situation falls within the generally applicable statute or rule, or any established or developing exceptions.

Often you won't know what the legally relevant facts are until you get into the research assignment. If it becomes apparent that certain threshold factual situations would change the result, contact your supervising attorney to learn those facts before proceeding. It's important to ask questions on an ongoing basis. Remember, supervising attorneys typically want a client-specific response, not a legal treatise.

3. Be Sensitive to Cost-Benefit Analysis.

Your research assignment is not complete if you do nothing more than advise your supervising attorney of the law that applies to your client. Your client will also want to know the sanctions for non-compliance, ways to minimize costs, and alternative ways to avoid the problem. Although your supervising attorney will probably take your information and factor it into her analysis, your memo should give all the basic information to communicate all the risks and your best judgment regarding the ability to remediate and the extent of exposure liability.

4. Do a Complete Research Job.

First, ask yourself: What is the question here? What am I trying to accomplish? Then go on to ask yourself questions like these:

•Is there any statutory authority?

Have I checked the state and federal statutes and regulations that may apply? Has an

applicable statute been repealed or amended by the legislature or an agency? Has it been interpreted, limited, or invalidated by a court's decision? Is there any useful legislative history?

•**What does the case law say?**

Have the courts stated any rules of law that govern this problem? Have I read the cases that state these rules? Have I cite-checked these cases?

•**Are there any other sources that can help me with this problem?**

Have I looked at treatises, the Restatements, law reviews, ALI/ABA or CLE publications, practice guides (Rutter Group, etc.), Witkin? Have I looked for analogous authority in other areas of the law?

Keep a record of your research process. Be very clear about your employer's policy about using computer-assisted legal research. CITE-CHECK!

5. Make a Judgment.

Your assignments will range from emergencies requiring an expedient solution to projects where the emphasis is on planning and careful analysis. Recognize the balance between expediency and thoroughness, and develop the kind of judgment that allows you to respond effectively under either circumstance.

Your assignment will probably not lead to a simple conclusion. As a result, you may find it difficult to make a decision and give your supervising attorney a definitive answer. Instead, you may be tempted to answer the question this way: "On one hand,...On the other hand... ."

This kind of answer doesn't help your supervising attorney, nor does it give them confidence in your ability to handle more complex problems. You have been asked for a judgment, so provide it. Make a decision, then support it with a balanced discussion of the authority you have uncovered in your research and with your analysis of how the authority applies to your facts. If you must speculate about unknown facts, present the alternative answers and the factual assumptions on which they are based.

6. Communicate With Your Supervising Attorney.

Problems with your assignment can crop up at any time. Don't put off letting your supervising attorney know about them. Communicate these problems as soon as you can, even via voicemail.

For example, if your supervising attorney asked you to research the wrong statute, tell him as soon as you find this out. Don't wait until the day before the assignment is due to hit him with this development. Even if problems don't arise, keep the lines of communication open. Try to talk with your supervising attorney at reasonable intervals.

7. Learn the Logistics You Need to Know.

The logistics of producing a written assignment and getting it out may include using special word-processing help, expedited delivery, compliance with Local Rules, etc. Assume responsibility for learning these logistics.

8. Be Sure to Complete Work on Time.

It's essential that you complete your assignments on time. Learn to work efficiently, and put in whatever extra time is needed to turn in your assignment on time.

Try to allow yourself an extra cushion of time. That extra time is your insurance, giving you a chance to deal with unforeseen obstacles. If you give your work to your supervising attorney with time to spare, you'll have time to remedy any problem that may exist.

9. Be Sure to Follow Up.

When you turn in your assignment, be sure to communicate to your supervising attorney that you are available to respond to any questions and to do any follow-up work. It's rare that a summer clerk's initial work product is perfect.

10. Service Your Supervising Attorneys the Way They Service Their Clients.

Always keep in mind that the attorney for whom you're working must be satisfied. You'll notice how hard the attorneys work to keep their clients happy. Follow their lead and work equally hard to keep your supervising attorney happy.

You should approach each assignment as an opportunity to show your supervising attorney that you have the requisite knowledge, reliability, promptness, and personal commitment to fully meet the client's objectives. You can make up for your lack of experience with an extra dose of discipline, analysis and careful research. Be enthusiastic and responsive. Remember the importance of confidentiality and you'll avoid an inadvertent but careless breach of ethics.

11. Make a Commitment to Learning.

It's what you *don't* know that can hurt you. Most summer clerks and new associates are insecure because they're aware that they don't know everything they need to know. This insecurity sometimes keeps them from asking for the information they need to do the job. But if you don't know the word your supervising attorney is using when explaining an idea, or you never studied the statutory concept to which she is referring, you gain nothing by bluffing and leaving the room in a fog.

12. Avoid Mistakes That Are the Result of Carelessness, Miscommunication, or Poor Judgment.

Lack of experience will lead to enough mistakes. Don't increase your errors through poor practice habits. Be sure to cite-check cases, check the spelling of clients' names, and proofread your work.

You can minimize the frequency of mistakes by getting a better understanding of both the client's and your supervising attorney's expectations and by carefully preparing. When you work on an assignment, don't get so caught up in the details that you forget the big picture. You risk overlooking a major issue that way.

13. Do Not Over-commit.

Working on multiple assignments is the norm. If you've made a commitment to one attorney and another attorney offers you an assignment a short time later, your first reaction should be to attempt to do both assignments so you can maximize your productivity and your exposure to attorneys within the firm. This approach can be a disaster, however, if servicing one attorney means you will fail in your commitment to the other or, in a worst-case scenario, you do a poor job on both assignments.

If you are offered a second assignment, you should advise that attorney of the first assignment and that you will try to get an extension on the first commitment, if possible, so that you

can also complete the newly assigned task. Alternatively, you can set limits on what you will be able to do for the second attorney.

Sometimes the situation is more difficult; you have ongoing responsibilities and two crises have occurred at once. Where you know you cannot manage both projects, even with the best planning, you should communicate your dilemma so that the project will be properly staffed. Your inability to make both attorneys happy may have a slight professional cost to you, but it will not be nearly so disastrous as leaving one of those attorneys in the lurch.

14. Handle Mistakes Properly.

Everyone makes mistakes. What's important is the way you handle a mistake. Here are some suggestions:

- If you are the first one to discover a mistake, communicate it immediately to your supervising attorney so that she can help you avoid further problems.
- Take responsibility for the mistake. Don't try to minimize it or offer excuses. And don't attempt to defend an obvious error in judgment.
- Do everything you can to mitigate the impact of the mistake.
- Most importantly, learn from it. Ask yourself, "How could this mistake have been avoided?"

15. View the Other Summer Clerks and Staff as a Support Network.

Summer clerks and associates should view each other as colleagues, not competitors. Concentrate on doing the best job you can rather than trying to upstage others. Share interesting information, like new court rulings or a great resource you've discovered. Have lunch together and discuss common problems.

The support staff can make you look like a pro, and they can make your life miserable if they don't like you. Be courteous and respectful. Remember that the quality and accuracy of your work is your responsibility, not theirs.

Try to stay out of office politics--avoid gossiping about anyone in or out of the office.

16. If You're in a Private Firm, Learn the Art of Billing.

Most firms bill by the hour. It's important that the client who reviews your firm's bill understands what you are doing. Be complete and accurate in your descriptions. Don't discount your time if you think you are inefficient--the billing partner will discount the bill. Make sure that you record your time throughout the day--if you try to reconstruct your day at 6:00 at night, you invariably miss billable time.

17. Your Interview Continues Throughout the Summer.

While your firm is no doubt glad to have you, the staff will continue to evaluate your professional and personal sides throughout the summer. This review extends to social functions. A note regarding drinking: if everyone else is drinking during an after-hours event, you might consider having ONE drink with them. Never drink or smoke during the day, no matter what anyone else is doing. Moreover, don't feel pressured to drink if it's not your preference.

18. Get to Know the Attorneys Who Do the Type of Work You Want to Do

Remember that your summer clerking job offers you the chance to explore the kind of law you may want to practice. If you are not getting many assignments from attorneys in practice areas that interest you, express an interest in working for those attorneys, or ask them if you can accompany them to court

appearances, etc. Evaluate your summer experience to determine if the work is satisfying and whether the organization is the right place for you.

19. Ask For Feedback Rather Than Relying On Others to Get It For You.

Many firms claim to offer great feedback during the summer. In reality, summer clerk evaluations can fall to the bottom of an attorney's work pile. Don't wait until a mid-summer or end of summer review to find out that someone was dissatisfied with your work. After completing an assignment, ask to speak with the assigning attorney and express your eagerness to receive constructive comments. This will give you more time to make any necessary changes and will also reflect well on your professionalism.

20. **GOOD LUCK, BE YOURSELF AND HAVE FUN!**