

What I Have Learned Along the Way

Who can remember when they first decided they wanted a career as an attorney? Did you have the idea that you would win every case and the offending party would confess their fault or guilt on the stand? Did you imagine that the chances of winning cases would greatly depend on what you learned in discovery? And what were your thoughts about interacting with clients, attorneys, judges, and staff? Did you anticipate leaving the office at 5 p.m. every day? Did you think you would have the perfect script written for you like on TV shows so that your legal matter was resolved in 45 minutes?

I had no clue as to what my career would hold the day I was licensed by the Texas Supreme Court. I had many misconceptions about the practice of law, about the business of practicing law, and how my life would be impacted by my career.

I am sharing my thoughts about what I have learned along the way as an attorney, business owner, boss, employee, member of multiple bar associations, and woman. I share my thoughts, not as theories supported by research in footnotes, but based upon experience in the operational legal world. I hope sharing some of these stories will help newer lawyers deal with some of the surprises and hurdles they are likely to encounter on their own career path. Some of these tips are more meaningful to female attorneys, but I believe we can all learn from one another.

What's It All About?

The practice of law has given me opportunities to help resolve conflicts for clients. The responsibility to clients is enormous, regardless of the type of case I am handling. Think about it, attorneys are entrusted with clients' legal matters that involve very personal issues, which can cause a range of emotional responses. On top of the emotions, clients are impacted financially by the bill they receive for the legal work performed and the outcome of the case. Add to all of this their fear of the unknown outcome. All of these issues figure into the recipe of representing a client competently, zealously, and with care.

My first duty as an attorney is always to the client. I ask myself several questions before accepting representation of a client: (1) Am I qualified to represent this client?; (2) Do I have the time

and staff to support this client's case?; and (3) Do I want to represent this client?

The first two questions are interrelated. The client's interest is at stake at every turn of the case, so I must have experience in the area of the law to competently represent the client. I look at whether I have the time and staffing resources to handle the case. I cannot neglect other clients' cases to represent a new client. It is better to decline representation of a potential client or refer him or her to another attorney when I do not have sufficient time and resources to dedicate to the case. Overextending oneself by accepting too many client cases may lead to disaster and a malpractice claim.

The answer to the third question comes with experience and the skill of reading people. I have often had to determine if the clients I am interviewing will understand how the facts of the case interact with the law and the outcome of the case. Will they hear me when I advise them of all options concerning resolving the case and then be able to make decisions based upon their own best interest instead of on emotion? Will the clients make good witnesses, or do they believe they are the "smartest person in the room," which can lead to disaster in the courtroom?

Representing clients has been very rewarding to me, both professionally and personally. Negotiating an outcome, prevailing in the courtroom, and even losing a case has taught me a great deal about the importance of caring for the client. I have learned that being an advocate for my clients requires not only legal competence, but patience, compassion, protectiveness, and keen listening skills. Being a woman and an attorney has helped me to be more sensitive to the needs of my clients. I believe most attorneys, man or woman, want to do a good job for their clients, but not all understand the need to be empathetic. I expect a good bedside manner from my physician, so I believe my clients expect the same from me as their attorney and advocate.

Respect and Manners

Being respectful to everyone is essential to success in the legal profession. Respecting the profession means showing respect to your colleagues, your clients, the judiciary, support staff, and yourself.

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I am a huge Aretha Franklin fan. I love to put on an Aretha Franklin CD in my car and sing along with her loud and proud. Some musicians might say my singing is strong and wrong, but it no doubt has heart and soul. Regardless, *Respect!* is one of my favorite songs to sing with the Queen of Soul. There is so much to learn from its lyrics in spite of the fact that the song is about an intimate relationship between a couple.

First of all, I have to respect myself, meaning I need to believe in myself in everything I do. Some might call this self-confidence, but I believe it goes beyond self-confidence. Respecting myself means I am not only confident of my legal skills, but I also trust my instincts. This trust is paramount in the operation of my legal practice as I trust my instincts about choosing clients, arguments in motions and briefs, how to interact with clients, how to interact with colleagues, what to say to the judge, when to step up, and when to step back.

Regardless of whether it is right or wrong, a woman advocating for a client in a disrespectful manner can be viewed as offensive. It does not matter that your male counterpart used the same tactic. Using offensive advocacy tactics could hurt your client's position, and you will not like yourself later because you were untrue to yourself. I have represented clients in numerous cases where the judge at the end of the hearing or trial thanked the attorneys for behaving in a respectful and civil manner. Judges do not want to feel as if they have to referee the personal conduct of the lawyers. Being respectful to my male and female colleagues has translated to not only good relationships, but referrals of cases. Respect from your colleagues can be very beneficial financially.

Moreover, I have the utmost respect for the judiciary. I believe judges do their absolute best on the bench to hear both sides and give litigants their day in court with fairness and with



I constantly remind myself that my client needs to feel respected. So often attorneys receive respect from the general public due to the title "attorney at law." Respect of the profession by others is fine, but it should be earned. I do not want my clients to be intimidated by me or by the legal process. I want my clients to know that I respect them and the legal situation they placed in my hands. I might not agree with their politics or religion, but I respect their desire to resolve the legal matter that they have entrusted me to handle. I am always hopeful that this approach earns their respect of me.

What about those colleagues I work with who make me feel less than collegial when we are working a case together? Yes, I need to respect them as well. Looking beyond super aggressive or offensive legal tactics by opposing counsel and looking to their need to zealously represent their client often helps me "play well with others". As my mother would have said, "Do not stoop to their level." I am not saying be a doormat to opposing counsel. Quite the opposite. I have to respect myself at the end of the hearing, and I cannot let my emotions get the best of me.

I have watched judges listen to testimony that simply did not make any common sense and ask questions of the witness themselves in a manner of compassion and respect. Judges control themselves even when the legal matter is not meritorious and rule without emotion because they respect the process and the fact that the litigants have a lot invested in the matter before them. Judges have been on the other side of the bench, and their respect of the past gives them a respect of the folks standing in front of them. I show my respect to the judiciary by my membership in the Federal Bar Association (FBA), which advocates for the needs of these tireless public servants.

Similarly, I have a special respect for support staff, both in my office, my colleagues' offices, and the court. I would be in a world of hurt without my staff, as they not only perform the millions of tasks to run my office, but they cheer me on and believe in me and respect me. The court staff run their judge's office and courtroom, handle attorneys who believe their matter is the most important on the court's docket, keep the judge on task and on schedule, all the while being the face of the court to the

public. I think the court staff are the unsung heroes of the legal community.

If I do not respect myself and treat others with respect, how can I expect to receive it in return? I want female attorneys to be respected, not because we are a protected class and people have to, but because we have proven we work hard, we are good advocates, and we are committed to making our community and world a better place through our profession. In other words, we should be respected because we have earned it.

The Girl Scout in Me

In addition to being respectable and respecting others, over the years, I came to value preparation. I learned early on in my career that shooting from the hip when litigating or negotiating a case was for the birds, as lack of preparation made me look frazzled and incompetent, and I felt like I had failed my client. So, I thought about my early years as a Girl Scout. Now you must know that I dropped out of the Girl Scouts, only making it to cadet for a couple of years and leaving the ranks with a mere three merit badges. But I took away three things from scouting: (1) a love of arts and crafts; (2) a love of s'mores (which can be made in the oven by the way); and (3) to be prepared. The first two Girl Scout takeaways allow me to be creative and know that indulging is OK. The third takeaway, is, not only a core Girl Scout principal, but a core principal in my life.

Being prepared reaches into every part of my practice. Years ago I heard a radio interview of Aretha Franklin, and in response to a question about her talent, she responded that she practices her craft daily. She works at her singing and playing skills and takes her craft seriously. I saw Aretha in concert several years ago, and it was clear she was prepared and in control of her performance and every aspect of the concert. Being prepared in a legal scenario is no different. I prepare for the obvious legal tasks like depositions, hearings, and trials. I try to know every possible fact or issue related to the case. I do not guess at answers, but instead defer to researching a matter and then provide an answer that is accurate. And I prepare my client for every aspect of the case, as the best surprise is no surprise.

Being prepared gives me a sense of confidence. If I know my client's case file and facts inside and out, then I will not be caught off guard by baseless allegations or red herrings that are thrown around. My clients deserve my best, and I cannot be my best if I am not prepared. I want female attorneys to be respected by the judiciary, the bar, and clients. Right or wrong, the way I represent my clients in or out of the courtroom reflects on the women's bar. Respect must be earned, and the only way I know how to earn it is to be prepared. I may not always win, but I will have done the best I could for my client by being prepared.

Just Ask

In addition to being prepared, I have found that the legal profession requires me as the advocate to ask for all kinds of things for my clients. The word "ask" can be used in so many contexts in our profession. In a sales pitch, the conclusion of the pitch is "the ask". Our profession involves a constant sales pitch. We pitch to clients, our opposition, and the court. I have learned that I limit my success if I do not ask.

I am a basically a shy person, and it took me a long time to

learn to ask even when the question should not be awkward. Asking for a retainer for services used to be awkward for me. Being paid for my services should not be awkward, but I was raised that talking about money is impolite! Asking for documents not produced or asking awkward and personal questions in depositions can be paramount to the success of my case, but I do not feel awkward because I am doing my job. Asking the court to consider a novel legal concept or to allow an amendment or to allow further briefing before ruling is good practice, and I have found that judges receive the ask well and are not offended. Asking opposing counsel for a continuance or to enter into settlement talks or to consider another approach to the case can tremendously impact the outcome of my case. Knowing when to concede is also important. We have all heard the phrase, "It never hurts to ask," and this is certainly true in the practice of law.

Some women have been taught that we are not as entitled to success in a legal career as our male counterparts. Regardless of whether such a misconception was imparted by family members, teachers, or peers, the influence of these folks can impact the confidence and success of women in the legal field. Know that as a female attorney, you have the right and a duty to those coming up the ranks to obtain and represent good clients, choose good cases, and be a success, both professionally and personally.

Be Good to Yourself

Growing up, my dad used a simple phrase when he was dropping me off at school—"Be good to yourself." The phrase is along the lines of respect yourself, but it is more personal. My dad was one of my best cheerleaders in life. He believed in me regardless of the circumstances. The simple phrase "Be good to yourself" meant, "I know you will do the best you can. You might not win, but believe in yourself and keep going." So, I have taken this phrase to heart and applied it in my professional life. I have learned not to beat myself up over loss or regrets, but to keep working and do the best job possible and enjoy this profession that I love and am honored to be a part of.

Being good to yourself is important to female attorneys who often have many commitments pulling them in several directions at one time. Professional, family, and personal commitments can overwhelm anyone. Being good to myself reminds me to take time for me, even if that is just taking two minutes to breathe deep or call a friend. Recharging in whatever manner works for you is important. Being good to yourself allows all of us to center ourselves so that we can joyfully, zealously, and competently represent our clients.

I enjoy my profession. I dislike lawyer jokes because I respect the profession that I chose and I believe that my colleagues are committed, honest, and fair professionals. More women are graduating from law school every year than when I graduated. The comments about what I have learned along the way holds true for this next generation of female lawyers as tips that will make their own journey enjoyable, rewarding, and successful. So, be good to yourself. ☺

Endnotes

¹*Respect*, written by Otis Redding and Annette Corte Allen. From Aretha Franklin's album, *I Never Loved a Man the Way I Love You*.