Planning for Law as a Career and an Enterprise

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by R. Lisle Baker

Abstract:

If you are a law student concerned and unsure about what happens after graduation, and still trying to sort your preferred professional role, this article is designed to help you do homework on both yourself and the legal profession so that you can enhance your opportunity to find the right professional role. The premise of the article is that a career in law is something for which you can and should prepare, just as you prepare for oral argument in court by writing a well-researched and thorough legal brief. The article is based on a course offered by the author at Suffolk University Law School in which students examine themselves and opportunities within the profession to find a career that fits them, and how they might make it a reality.

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1Copyright 2013, R. Lisle Baker. The author wants to acknowledge the assistance of Pamela Reeve, MBA, Harvard Business School ´82, in the preparation of earlier drafts of some of the course materials on which this article is based, as well as Dr. Mark Byers, formerly of the Career Services Office of Harvard Law School. The author also wants to acknowledge the assistance of Suffolk University law students Kevin O'Neal ´11 and Erin Barnes ´12, as well as Diane D'Angelo, a reference librarian at Suffolk University Law School. All errors, however, are the author’s responsibility.
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I. Introduction to planning for law as a career and an enterprise.

A. Why planning matters.

If you are a law student concerned and unsure about what happens after graduation, and still trying to sort your preferred professional role, this article is for you. It is designed to help you do homework on both yourself and the legal profession so that you can enhance your opportunity to find the right professional role for you.

This article is based on a simple premise: a career in law is something for which you can and should prepare, just as you prepare for oral argument in court by writing a well-researched and thorough legal brief.

If you have the chance to get a legal job upon graduation, why not just join a firm and try it out? Many young lawyers do just that. But despite all the time and effort spent in the placement process, many end up dissatisfied. Moreover, as the legal job market has become more challenging, it is much harder to get a job in the first place, much less one you simply hope will work out.

What about hanging out your shingle and “taking what comes along” as many young attorneys are advised to do? While it happens, do you really want to leave your future to chance? Also, to use a medical analogy, if you were a patient, would you want to consult a new physician who was seeking a congenial medical specialty, like surgery, by practicing on you?

Finally, what if you simply want to use your legal training, but perhaps outside conventional law practice? Where would you begin to look?

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2 For example, in 2004, the American Bar Association and the National Association of Legal Professionals found that 44% of lawyers new to the practice planned to change jobs within the next two years. See AFTER THE JD: FIRST RESULTS OF A NATIONAL STUDY ON LEGAL CAREERS 53 (2004).
There ought to be a better way. For the last twenty-five years, the author offered a course at Suffolk University Law School in which students examine themselves and opportunities within the profession to find a career that fits them and how they might make it a reality. This article is based on that course of study.

**B. To succeed, you should plan to serve your needs as well as those of your clients.**

While you could conceivably set up a bankruptcy law practice if market research disclosed an unmet client need, how many lawyers would establish an office to do that if they did not enjoy the work? Indeed, it is as much a challenge for you to find the client and work that fits you, as it is for the client to find the lawyer that fits him/her and his/her needs. Also, while legal education can help prepare you for practice, there are many different roles you can play, and some of them require further training or experience. So what kind of legal work do you want to do? That itself is a subject for further research on your needs as well as the professional roles that may fulfill them.

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3 See Jerome M. Organ, *What Do We Know About the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being*, 8 U. ST. THOMAS L. J. 225, 264 (2011) ("surveys consistently indicate that, across time, newer attorneys are less satisfied than more experienced attorneys. This intuitively makes sense. A newer attorney’s job is unlikely to be a perfect fit. For example, it may be in a non-preferred practice area or practice setting, or may not be aligned with the recent graduate’s values or passions. It is therefore understandable that recent graduates may not be very satisfied with the first job they select after law school. Over time, as newer attorneys begin to better understand their skill sets and work context preferences, they will be more likely to choose job contexts in greater satisfaction...")

4 *MODEL RULES OF PROF'L CONDUCT R. 7.4 (d) (2009) (“A lawyer shall not state or imply that a lawyer is certified as a specialist in a particular field of law, unless: (1) the lawyer has been certified as a specialist by an organization that has been approved by an appropriate state authority or that has been accredited by the American Bar Association; and (2) the name of the certifying organization is clearly identified in the communication.”)
C. To plan right, write your plan.

Is research enough? It is a precondition, but you will need to spend the time to write what you find and rewrite it, the same way you would draft a brief. For example, a testator may know what outcome is desired, but until the testator’s attorney captures that intent in an appropriate and clear testamentary document, the testator’s intent is just a wish and not a will. That is why your task is to write, as well as to read, about your professional future, recognizing that while the plan may change the exercise of writing it – the planning itself – will help the most. Also, writing your plan helps structure your thinking, reveals holes in your research, exposes flaws in your logic, and moves you closer to commitment. Experience with Suffolk students indicates that even if a plan appears provisional, the act of writing it, and the analysis that goes with that work, can make all the difference. Writing your plan still recognizes that it will need to be revised as you and your circumstances change, but in the meantime, it can help provide a benchmark for both long term and day-to-day decisions. In short, to plan ahead you need to plan to write.

Finally, what if you are not sure you want to practice law? The self-knowledge and knowledge of the profession gained by planning will help you take full advantage of the law school experience, because you can target your courses, internships, clinics, even part-time or summer work. Like providing an appropriate foundation for an expert’s opinion in court, planning can help make your choices more persuasive. So, in summary, plan to plan.

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5 “In preparing for battle, I have found that plans are useless, but planning is indispensable.” Attributed to Dwight D. Eisenhower in THE OXFORD DICTIONARY OF QUOTATIONS, 2NE Ed. 101 (Oxford University Press 2002).
II. Find your legal career focus.

A. The importance of choosing a career focus that is also “good work.”

Many students come to law school with no professional focus, and still lack one while enrolled. Both their personal focus—what they want, and their professional focus—what the profession offers them, is wide. They want to get a job—almost any job. The problem is that because of the cost of their education, well over $100,000 in some cases, these students have become venture capitalists in their own future. If you are one of them, then your challenge is to find a way to narrow both your personal and your professional focus to find your preferred legal role. What are the characteristics of such a role?

Professor Howard Gardner of the Harvard Graduate School of Education directs the GoodWork® Project.\(^6\) He has defined “good work” to be a career that is based on “excellence, engagement, and ethics.”\(^7\) What does “good work” mean to you?

First, it requires technical excellence, something which law school should help prepare you to achieve. Second, it requires service to your clients and your community, again something that law school should help you understand. But what about engagement? That requires research, both about yourself and the nature of law practice, to find what will most engage you. Ultimately, you want to be able to capture this set of choices about a law practice focus in a few words as way of making it clear to you and people with whom you want to work.

For example, Boston attorney Stephen Small served for a period with the U.S. Treasury Department, and was the principal author of the federal income tax regulations

\(^7\) The GoodWork Project, About Us (last visited Jan. 27, 2012), http://goodworktoolkit.org/about#howard_gardner.
designed to implement the provisions of Section 170(h) of the Internal Revenue Code that provides for a charitable income and estate tax deduction for the gift of a conservation restriction on land to a qualified nonprofit or governmental recipient.\(^8\)

Small, who was originally from Boston, returned to private practice here in 1982, after four years with the Internal Revenue Service in Washington, D.C. For most of the 1980s, he was, as he put it, an “all-purpose tax attorney.”

His practice began to grow, however, when he realized that rising real estate values were starting to create estate tax problems for families that owned long-wild family land. The owner’s estate often had insufficient liquid assets to pay the taxes due, forcing a distress sale of the family land. This led him to begin to focus on solving the problem of the parent who wanted to pass the family land on to his or her children (and the problem faced by the children, who expected to be able to inherit the family’s land from their parents). The key was to consider the imposition of a conservation restriction which reduced the taxable value of the family land but also qualified the value of the restriction imposed for an income tax deduction as a charitable contribution. After a program on Boston’s North Shore targeted to owners of “family lands” and put together by local conservation groups, Small authored a book, *Preserving Family Lands*, which he self-published, with the support of Powers & Hall, P.C., where he was then practicing, in the spring of 1988. As sales of the book started to grow, Small began to receive inquiries from landowners throughout New England and across the country about the techniques he discussed in his book. The result was a successful law practice, as well as a legal career that engaged him and served an important client need. He followed *Preserving Family Lands* with two other *Preserving Family Lands* books, and for decades now he

\(^8\) I. R. C. § 170(h) (2012).
has represented landowners and land conservation groups in this little-known and specialized field.\(^9\)

**B. How do you find a legal career that fits you? Start by finding more about yourself and law practice.**

So how do you arrive at a law practice focus which fits you like Steve Small’s focus fit him? The answer suggested by this article is that: (1) you conduct research on yourself to find what criteria are critical for you in evaluating a professional opportunity; (2) conduct research on law practice to find out how those criteria might best be met; and (3) link the results of your research in a written statement about your preferred legal career.

In this process, it is as if you are the client and the attorney at the same time. In a first meeting with a client, the lawyer often asks questions to get some initial information on the problem, uses it to shape a possible analysis of what to do in light of the applicable law, then tests the analysis with more questions, moving to ever more focused and specific solutions for a client’s problems.\(^{10}\) The same is true here with an emerging understanding of yourself and the professional world you will soon enter. With that in mind, how do you proceed?

**III. First, research yourself.**

**A. To evaluate opportunity, you should first evaluate yourself.**

You may be tempted to bypass this section to move on to the professional issues. However, like a good legal opinion, the conclusion you reach is likely to be only as good as the reasoning behind it. Just as you would not offer expert testimony without

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\(^{10}\) See generally, GARY BELLOW & BEA MOULTON, THE LAWYERING PROCESS: MATERIALS FOR CLINICAL INSTRUCTION IN ADVOCACY (1978).
qualifying the witness, you need to lay an adequate foundation for your conclusions. In other words, if you want to be able to evaluate professional opportunity, you need some criteria against which to measure it. What may be relevant for a classmate may not be at all relevant to you.

One of the things to keep in mind is what is special about you. What is your background? What are your values? What do you have a strong passion for? If you’re going to distinguish yourself from other lawyers, how do you make it clear to potential clients of what you can do for them that your potential competitors cannot? These are issues explored further below.

At the same time, recognize that, ever since Socrates, self-knowledge has been considered one of the primary objectives of education, and that lawyers are often directed outside—to the law of the case, to the problems of the client—not inside to what they want. Indeed, after some interval in practice, many lawyers are momentarily perplexed when asked what they want because their first instinct is to ask, “Who is my client, and what does that client want?” Thus, at least for lawyers, a process of self-evaluation may require special effort.

**B. One way to begin: Treat your “case” like pretrial discovery.**

Because self-evaluation may be difficult, think of it this way. You would not go to trial on a major case without pre-trial discovery—the process of gathering and analyzing information to obtain evidence by which you can prove your case. Beginning your legal career without preparing yourself is like examining a witness at trial without knowing what that witness will say. Hence, spend the time you need for self-discovery. To get a clear picture of yourself, you need to get a snapshot of who you are from
different angles to put together a positive image of yourself based on the evidence. If you are trying to prove “the Butler did it,” for example, it would be good to have circumstantial evidence, such as an eyewitness, and it would be even better to have a signed confession. The more relevant evidence you have, the better off you are. The same is true of your own professional future.


A. First, learn from your past.

1. Take your own deposition.

When attorneys are preparing a case in which a witness will offer important testimony, it is common practice to take a deposition and pose interrogatories. Thus, the first place to begin is taking your own deposition. How do you do that?

You can begin by finding a partner in this effort who can ask you open-ended questions, as in the case of direct examination, so you can use your responses as the start of a longer written work. The idea is to encourage you to be expansive, not guarded, as in the case of cross-examination. Moreover, if you can persuade your partner to take a few notes and give them back to you, you will have taken that critical first step of getting down the information you need. You can then amplify it in a written work to which you can refer later as a source of relevant evidence.

You may find it easier to begin chronologically, but address questions such as these:

- What kind of values did you acquire from your family and friends? As lawyers, we believe that all people are deserving of representation. However, you must consider your own values when choosing an area to focus your
career. You may find it challenging if you choose an area at odds with your core beliefs.\textsuperscript{11}

- What end results have called forth your energy and enthusiasm in the past? For example, did you undertake a task because the outcome mattered to you? Conversely, what outcomes did you dislike? Talk about it in detail—what did you do, when, why and how.
- What procedures or activities did you find enjoyable, regardless of the end in view? What did you enjoy doing for its own sake? Again, conversely, what did you dislike doing? Again, give some details.
- With what kind of people have you liked to associate with?
- What culture or region of the country do you enjoy?
- What roles have you found yourself occupying? Have you advised or led? Acted alone, or in groups?
- What was your personal sense of justice or injustice? What kind of situation in which you were not directly involved got you involved?
- How did you make the decision to come to law school? Who or what led you to consider a legal career in the first place?\textsuperscript{12}
- How do you feel you differ from others you know in law school? How do you feel you are the same?
- Which fields of law interests you the most?
- Which classes have you most enjoyed and why?

\textsuperscript{11} For more information on some of the challenges that conflicting values can pose for lawyers, see generally SUSAN SWAIM DAICOFF, LAWYER, KNOW THYSELF (Am. Psych. Ass’n 2004).

\textsuperscript{12} Your academic record may contain a copy of the essay you wrote to get admitted to your law school. If you can find it, see what you wrote then, and update it if your perspective has changed.
• Conversely, what have you studied you did not enjoy, and why?
• Are there types of work, or even areas of law practice, that you know you would not enjoy? Can you explain why?

Your self-deposition should be more than opening statements such as “I really enjoy this,” “I’m really good at that,” or “I had difficulty with this.” These statements are unverifiable in the sense that a reader can not disagree with you. Give examples to prove the assertions, preferably stories about your work experience, or meaningful events in your life that may illuminate what you did and how. There are useful themes within those stories. Make sure you give yourself enough time and space to say what you have to say.

More specifically, your self-deposition should include specific situations or examples from which you can discern how you thrive and what to avoid. Even brag a little about your successes, but also be candid, without being self-critical, about aspects of your past that did not work well. Sometimes just being clear about what we don’t want to do can help illuminate what might work better. Do not deny yourself valuable raw material out of embarrassment, but give yourself credit for your success, too. Therefore give as many examples as you can, and if in doubt, err on the side of inclusion. You will need a full evidentiary base to yield useful insights and on which to build your later analytic work.

Later, this writing will help you determine not only what you found important but why you found it important. Avoid drawing conclusions, however, at this stage. You will use your self-deposition as a basis for inductive reasoning to develop criteria for evaluating a professional opportunity. That work is likely to be most successful if you allow yourself to tell your personal story in narrative form.
Since you will not likely have access to a court reporter for your oral report, your next best alternative is to write it yourself. Type your responses so you can read them later. Number your paragraphs sequentially, and keep them short, since you will want to cite them later. Include a subheading for each thought segment, since they help organize your thinking and make it easier to follow. Remember, that as an attorney, you are charged with being clear, and this writing exercise is good practice, independent of your career objectives. Your self-deposition does not have to be a work of art; it just needs to be inclusive, thoughtful, and easy to read. Write about twenty pages. This is not a detailed autobiography, but a summary you can use later. In the Suffolk University Law School course, the students break it up over several days, doing a few pages at a time.

When you are done, feel free to revise or supplement it as you proceed with your planning. Keep in mind that what you first write is a beginning, not an end, and can continue and grow for you as a working tool.

Also, note for yourself how you responded to the task. How did you like to go about it? That experience can be useful for you as well, especially if you can capture it in a personal journal or blog, described in more detail below.

2. Learn from other people’s experiences with you: Get candid letters of reference for your personal use.

When you are looking for a job, or are seeking admission to the Bar, you will often need a letter of reference. Letters of reference are valuable to your prospective employer because they offer independent corroboration of the qualities that he or she may seek.
However, a letter of reference can be just as useful before you target a specific job. It can provide you additional data from someone who is likely to be disposed in your favor, but also objective enough to see you more clearly than you see yourself. Since it is not designed to show to a prospective employer, but to provide you with needed information, it can be more candid and more specific than a conventional letter of reference.

Who should be asked to write such a letter and what should it say?

You may find it helpful to think of friends or acquaintances who have seen you in several settings and who can write something specific, but who are not so close that it becomes burdensome on your relationship (e.g. a spouse, significant other, best friend, etc.).

They are people who know you well enough to write a letter about the things you do well and the things you can do better, having observed you in action, such as

- An employer before you came to law school;
- The leader of a religious community of which you may be a part;
- A teacher in a small class;
- A coach of a team; or
- The head of a nonprofit organization for which you volunteered.

Seek people who have seen enough of your traits and activities in settings where your performance made a difference, and can give specific feedback. Think who might tell a good story or two about you, since examples are more powerful than conclusions alone.
To give you guidance in what you will want from them, set out below is a draft letter requesting help. In practice, you are likely to find such a letter overly formal, but it is here if you need to adapt it to your purposes, or to refer to in explaining what you want.


The letter you are seeking should be a page to a page and a half. You are not asking friends to write a book. You are just trying to ask them to give you some insights on you, which are for your eyes only (and perhaps your law school career counselor).

Note that if you are cautious about this process, if you have some old conventional letters of reference you can build on, such as those written for you to get into law school, you can learn from those, too.

B. Second, learn from your present.

1. Learn from a personal blog about your current experience.

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13 “Dear [Friend]:

“I would like to ask your help in some research I am doing on the legal work that might best fit my skills and talents. Part of that research involves getting a sense of my capabilities in various situations, even if they are non-legal in nature. Since you have known me for a while, you are especially qualified to offer a sympathetic but objective evaluation. What I am requesting might be similar to a letter of reference, but one that would go to no one but me.

If you are agreeable to writing such a letter, I would ask that you be as candid as you can, citing not only positive attributes, but also any challenges you perceive, since they might be evidence of a useful attribute that is simply out of place in the particular setting. (For example, a capacity to see the implications of the big picture might be inappropriate in a situation that called for close proofreading.)

Use whatever format you find comfortable, but here are some of the issues you might address, and please give as many examples as you can.

• How would you describe my talents—things that seem to me naturally easy to do? (For example, “Sue Smith can lead. I recall the time she...,” or “John Jones puts people at ease. I recall the time he...or the time he...”)

• How would you describe my traits—not so much the things I do, but the way I am? (For example, "Sue Smith is articulate. I recall the time, etc.")

In general, please describe those aspects that would strike you as important if you were my employer, since they will likely be important to the ultimate employer as a lawyer, or my future clients.

Thank you.”
As indicated in the deposition discussion, you can use the various tools for self-discovery described above and below, not only for their own sake, but also to see how you respond to them as different tasks. What aspects do you find easy, and which ones do you find difficult? Moreover, it is not just these tasks or instruments that are fruitful subjects for reflection; it is the variety of activities you engage in on a daily basis. Since memories are short, you will find a short daily blog or journal will be helpful to record your reactions as they occur so that you can literally learn from your experience. You can also record your reaction to experiences, readings, class activities, etc., to provide some additional information on yourself or what you have found out from them. Your reaction to various law school courses or external experiences also can illuminate how you might thrive in a later professional role.

One of the reasons to keep your blog contemporaneously is that if you do it later, you may strain it through subsequent understanding and experience. Contemporary records constitute evidence that is more useful and probative than notes made after the same event, which do not have the same immediacy to them. Remember that you do not need to decide yet whether a particular experience is helpful or not; you need only to record it so you will have the opportunity later to be more deeply reflective about it. In addition, if you find something of interest in any of your reading on the profession (discussed below), add that to your blog as well. If you do, you will have kept a trail of your research, both about yourself and about the profession. Ideally, a daily private blog can be a binding element that links all your work together prior in preparing your law practice plan.14

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14 Note that, like your self-deposition, your blog should be dated and paragraphs numbered sequentially to be cited later.
2. Learn from psychological instruments.

a. The Myers Briggs Type Indicator® instrument or MBTI®.

The Myers-Briggs Type Indicator® instrument is a widely used questionnaire designed to provide information on your preferred cognitive style, more specifically how you prefer to obtain information and make decisions about it. Please respond to the questions as you think you are most of the time. Your law school career or counseling office will often administer it to you, and then help you understand it. (While you may find some substitutes online, the indicator is often best administered by someone qualified to do so and then advise you about the results.)

b. The Strong Interest Inventory.

The Strong Interest Inventory is a widely used instrument that is designed to help you assess your interests and then compare them to people in different areas of work. The Inventory is designed to provide you with a sense of how your preferences fit within broad clusters of activities. (Your law school counseling center should be able to administer it and explain it to you.) One advantage of the Inventory is that you may find you share preferences with people in other professions than law practice. That information alone may be worthwhile for you because it may indicate the types of clients with whom you might have a rapport, even if the specific occupation or role does not...

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appeal to you for reasons other than shared interests, such as relative compensation or otherwise.

* You should also record your reaction to the results of the instruments in your blog. While instruments are helpful, they are not a complete representation of you. Therefore, when you read the results, something in those descriptive terms may resonate with you. If these instruments spark an idea for you, write about it in your blog, especially if you can recall something from personal experience that illustrates this idea. Be elaborate enough so that if someone else reads it and did not know you, it would nonetheless be understandable. Later you can assemble and reflect on these blog entries as well.

3. Reverse your dislikes.

Another way to get useful information about yourself is to reverse your dislikes.

For example, one of the resources lawyers have for clients is the ability to foresee legal pitfalls which need to be avoided for their clients. That, in turn, may translate into positive advice, like planning for distribution of assets with a will, rather than relying on the laws of intestacy to determine who among one’s heirs will receive the estate.

A similar way to gather useful information about yourself is to make a list of five of your dislikes, then turn them into positive statements. For example, “I dislike disorderly spaces” translates into “I like orderly surroundings.”

See if you can generate at least five such “dislikes” and then translate them into positive statements, and record the results in your blog. These can provide clues to what you want to have in a professional role or the environment in which it is conducted.
C. Third, learn from your future.

1. Why learning from the past may not be enough.

In areas of law like torts or property, we devise standards to fit the experience of different cases, and then use such standards to decide new cases by applying them to the facts. On the other hand, you, like the law itself, grow and change. Thus, while analysis of experience is necessary, it is not likely to be sufficient. To return to the analogy of the common law, legal standards of the past, like constructive eviction, may not be adequate to the difficulties of substandard housing and require new standards, like the implied warranty of habitability. In the same way, your own standards for evaluating professional opportunity are likely to require revision in light of new experience, or new interpretations of old experience, or even of new desires. Thus, if possible, you will want to look forward as well as backward, recognizing the limits of foresight, but not being foreclosed by them.

2. How your legal education sometimes makes it difficult to look forward.

Much of the activity of law school consists in helping you learn analytical reasoning. Indeed, much of the rationale for law school is to teach you to “think like a lawyer.” When the law makes it possible to take away the property, and even lives of people, such outcomes are justified only when there is articulate argument and reasoned judgment behind such results. Thus, you are being well trained to think critically and to put your client's interests before your own. The burden of this process is that it may chill your capacity for creative ideas, especially where the focus involves you, rather than your client. Also, much of the perspective of the law is retrospective, focusing on what did
another court do before, or how did the alleged incident happen, rather than focused on what should happen in the future. Combine all these valuable aspects of your legal training and you can see how it may be a challenge for you to look ahead to imagine a future rather than analyze the past. Your planning may therefore require some express effort to be creative.

3. Use your creative as well as your analytic skills.

While you can get useful information about your past from your self-deposition and letters of reference, and can take snapshots of your present with your journal and various instruments, how do you take a picture of your future?

Obviously, you can project the past forward and assume to do more of the same. On the other hand, sometimes you may need to access your desires, as well as your experiences, to produce an integrated set of standards you can use to evaluate professional opportunities. That may, however, involve the use of your creative skills and less of your critical thinking skills. In the words of Professor Roger Fisher, you will want to separate inventing from deciding. Inventing, however, often requires suspension of the critical thinking you have spent so much time and effort developing as part of your legal education. Thus, you may want to rely on “aided intuition.”

4. Use aids to intuition.

You may want to consider several ways to gain information about yourself from less “objective” evidence. Here are several options:

a. Write your obituary thirty years from now.

One way to begin to think creatively about your future is to write your obituary as if you were going to die thirty years from now. Write it as you would like to have it read,

rather than what you think it will become. In other words, think about your future by looking backwards from a future point in time. Here again, it is important to consider this device as a means to the end of clarity—a source of information like your self-deposition—and not something you are bound to fulfill just because you wrote it. It does, however, offer you some sense of your aspirations and not just your realities. In the words of Justice Louis Dembitz Brandeis, “Let your mind be bold.”\(^\text{18}\)

Another helpful tool is to envision a loved one giving your eulogy. What would you want others to say about you? How do you want to be remembered? It is likely that, as is the case in writing your own obituary, the way in which you want to be remembered will be a good indicator for how you want your legal career to progress. Write the obituary or eulogy in your blog.

b. Envision your future.

Another way to get at useful information about yourself is to envision your future in some specific way. This practice is analogous to the process of envisioning success that many skilled athletes use when undertaking a difficult feat. For example, if you can get a clear image of how you want to swing at a golf ball and how it should travel, it may be easier to do precisely that than dwelling on the things you should not do to avoid making a mistake.

Stanford neurophysiologist Karl Pribram uses the term “feedforward” to describe those images of the achievement that spur us to creative action. As with dream images, often our body will respond to a vivid mental picture as if it were the reality, steering us

intuitively to a desired objective. For example, imagine an ideal day in your life five years from now. If it is challenging to begin with a focus on your work life, start with your life at home. Imagine such things as:

- Where you will live, including as many physical details of your ideal dwelling as you can;
- What specific area or community would you want to live in;
- Who in particular would be living with you, including family and pets;
- What friends and associations will you have;
- What recreational activities or hobbies you would have;
- What community service you might conduct;
- What religious or spiritual activities you have;

Then turn your mind toward your ideal professional day. Imagine such things as:

- What location you might work in;
- What kind of office might you work in;
- What kind of colleagues you have;
- What kinds of superiors and assistants you might have;
- What kinds of clients you might most enjoy serving;
- What kind of legal works you might most enjoy doing for them.

Envisioning will, like any skill, take practice and a gentle mental hand in which you lead your mind to the focus you have selected for this purpose. Here, a partner can be helpful by leading as the guide for your visualization. Once you have quieted your mind, envision your future in as many areas described above as you can. (For example, one question you may find helpful is whether you believe you would be happier working for a

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firm, working with other attorneys, or working alone.) Once you are done, write as much as you recall of your vision in your blog.

V. Build on your research to determine standards for decisions about your professional future.

A. Analyze the evidence to find the “law” of your “case.”

So far you have generated raw evidence. Your next task is to organize that evidence, discerning it into a set of standards which will be important in evaluating professional opportunities. You already have implicitly used some of those standards when you made the decision to come to law school. Many times they are not explicit, or like legal principles, sometimes they are difficult to reconcile, and only become visible with time and experience. On the other hand, part of what you have learned in law school is the capacity to find, assimilate, and analyze information to find the “theory of the case.” Here you get the same opportunity, but the case is your own career.

This is a challenging assignment, since as lawyers, we define ourselves by providing dispassionate analysis to our clients—not ourselves. It may make the task less daunting to reflect on its analogy to case analysis your first year of law school. Many case discussions can be classified into two types: whether the court articulated the correct standard for its decision, or whether the correct standard was correctly applied to the facts of the case. For your purposes, the first task is to concentrate on defining the standard. Defer, at least conceptually, its application to professional opportunities. In practice, however, you will play one aspect against the other as you move from the “facts” of your research on yourself to the “law” of how you interpret it in your case.
To use an analogy, you can bypass trying to articulate your personal “common law”, and merely legislate your result, e.g.: I want to be a litigator. If your career choice is that clear at this stage in your professional life, that’s good. But what if you might be a much better, and happier, estate planner? How do you find out without going through a difficult, time-consuming, and expensive process of trying out a professional role on the job only to discover you have made an error? Thus, if you can examine the evidence you gather and allow overarching themes to emerge, you can make informed decisions about your future without jumping to a premature conclusion or taking on a legal role which ultimately does not fit you well.

B. Undertake an option analysis to find and shape criteria to use for evaluating opportunities.

One way to begin finding criteria for decisions about professional opportunities, is to examine them in the context of specific opportunities, as you would with a legal standard by applying it to different fact situations.

For example, suppose you had estate planning in mind as a particular legal role, but wanted to summarize the pluses and minuses of the opportunity. Here is an illustration, though the pluses and minuses will be different for each person, and some negatives for one person might be positives for another.
Thus, one way to identify criteria you may not have considered before is to take two or three legal roles in which you have an interest and conduct an option analysis for each of them.

Suppose that the process produced a criterion, such as the need to develop and maintain a continuing expertise in tax law. That may be a particular drawback which would make a specific role less desirable for you. It may also be an application of a general principle: namely one where you enjoy a more general perspective and do not want to become highly knowledgeable in one specific area, but enough to help your client get specialized help. Again, this is not a binding choice – just a way to learn what may matter to you.
C. Begin mining your data for nuggets about how you thrive.

In the movie *Little Shop of Horrors*, comedian Steve Martin plays a dentist, who sings of his career choice being guided by his mother:

“Momma said, my boy I know some day, you'll find a way, to make your natural tendencies pay...”\(^{20}\)

What you are looking for here is something similar, but much more positive: what are your natural tendencies and how can they pay off in your law practice? As much as possible, your objective is to get as close as you can to a place where you can thrive as a professional. That is not easy. It requires a level of intense effort and analysis, not a casual process. One way to begin is with your self-deposition.

First, you will want to look at your self-deposition for activities in which the outcome mattered to you, and activities in which the process was more important to you. For example, you could enjoy playing golf (process), even when your score was low (outcome). Or you might find doing the work recommended here as a struggle (process) but justified by having a clearer legal career choice (outcome).

In summary, look into your self-deposition for those experiences that represent powerful examples of what you found distasteful or gratifying, or what you disliked or enjoyed.

Start a document with a list of those examples, noting where it is found in the self deposition by paragraph so you can refer back to it later. When you have a list of fifteen or twenty such items, take a break and categorize them. Then, try to discern the common element tying them together, just as you might organize a cluster of judicial decisions to see how they might be reconciled. Or to take another example, “I worked on an

\(^{20}\) *LITTLE SHOP OF HORRORS* (The Geffen Production Co. 1986).
environmental lawsuit” might be an illustration of the author's valuing environmental protection, or enjoying preparing a case, or championing under-represented interests. In any event, the principles that emerge are likely to be either substance or process oriented—that is, illustrative of some important personal value, or some way of doing things.

In the process of writing this information, you may find that an experience had more than one meaning for you. For example, you might have enjoyed working on an environmental lawsuit both for the end in view and because of the means employed. In that case, add this item to both lists so that each of the different meanings the experience has for you is separately represented, in each case, however, referring back to the source so you can revisit it if need be.

When your clusters are complete, start another document with the organizing principles you have found. This might be a phrase like “values environmental protection.” These might be what you could call preliminary hypotheses about things that matter to you. In this process, you may find it helpful to talk over some of them with a friend or counselor who can help you discern aspects you might have missed.

Once you have a few clusters, go back to the other data sources and look for new insights (i.e. your Myers-Briggs, Strong Inventory, Visioning exercise, daily blog, etc.). Start a list for that insight, noting the source. For example, suppose that you find in one of your letters of reference a statement about you that either reinforces something from your self-deposition, or perhaps you find something that might not have appeared before (e.g., you have the capacity to make people feel at ease). With those data sources as well, make a list of these highlights with an illustrative example, if possible, and then see if
they fall under any existing clusters or suggest new ones as organizing principles. In this context, pay attention to whatever particular similar themes emerge in multiple sources. The more evidentiary support that appears for a particular theme, the more likely it is to be powerful for you.

As you review your various lists, you may find that they may spark memories or ideas you had not considered before. If so, add them to your self-deposition or to your blog since they can become source material as well, and then see if they become part of your growing written inventory of things that describe you and the principles you have devised to help organize them into larger categories. These categories can then form the basis of thinking about criteria that may be important to you in your professional future.

The idea is to take advantage of the additional data to help you be inclusive; at the same time you want to still be as specific as you can so that the heading fits you and is not the legal equivalent of the tube sock—one size fits all.

The point here, and further along in this process, is not to assume your conclusion and then find evidence to justify it, but to gather data and analyze it inductively, to give you an accurate picture of yourself at this stage in your development. Since you are largely invisible to yourself, the purpose is not to impose order on the data to fit your preconceptions, but rather to listen to what the data is saying about you, especially the things you may not have been expecting.

For example, you might come to the exercise with the vision of yourself as a trial lawyer, but find that you have enjoyed the role of peacemaker, and less so the role of warrior. If so, that might ultimately lead you to reconsider your earlier preference and
think about alternatives that fit your disposition more accurately, such as being a mediator.

D. The importance of being specific.

Finally, go back to the cluster headings and see if you can improve them by making them as specific as possible. For example, you might find an early cluster heading to be “interested in environmental protection.” On reflection you might find a more exact heading to be “interested in the conservation of open space.” Also, check your headings to make sure they sufficiently set forth the context. For example, “I speak well” is not as helpful as “I speak well before small groups.” Or “I like working with people” may tell you that being a professional hermit is unrealistic, but it may not tell you much about the context—what kind of people, where, on what work, in what environment, how, etc. To be more specific, suppose you said you worked best with peers in a structured environment. Both an abbey of monks and a prison for convicts fit the heading, but there is a difference, and a standard that does not honor those important differences does you an injustice.

Your objective is to get greater clarity about who you are so you can then find your best fit in the legal profession. All self-knowledge is not relevant for this purpose. For example, you might have a sweet tooth or skill at the guitar. What you really want to focus on are those issues that clarify the strengths you can bring to the law, as well as those aspects which will help ensure it being an enjoyable career.
E. Abstract out of your headings the key criteria you will need to use for making decisions about professional opportunity.

You now have enough data to begin the process of pulling it all together. This is the hardest part, and here you will find why writing it is so important for you, as indicated above. You would not go into oral argument before a court without having prepared a brief, and you should not prepare for your professional future with any less diligence. The object is to produce a document to which you can refer and which you can in turn revise based on new information and insight. The object, again, is to produce a set of criteria by which you can measure professional opportunities. Those criteria should draw on your best understanding of yourself now derived from your research of your past experiences, your present state of mind, and your aspirations for the future. Your ultimate objective is to have a one page summary that simply states these criteria. Like a summary of the argument in a brief, that one page summary requires lots of work before it can be well written. At this point, however, take the opportunity to look back over all your data and see if you have brought out the highlights and sorted it into clusters with some organizing principle that you can use for the next stage of your planning work. Finally, note in your blog your reaction to this task, just as you noted your reaction to earlier tasks. That way you will continue to use the planning process itself as a way of providing feedback to you that you can in turn incorporate in your plan.

F. Organize and clarify your evidence and conclusions.

Once you have completed your analysis, write your initial headings, one to a page, summarizing your evidence underneath it, and file it electronically or in a notebook.
For example:

[ENDS TO BE SERVED:] Preserving and protecting green open spaces.

   Ex: I researched how to buy open space using special tax revenues. [Self-Dep. ¶ 55]

   Ex: I helped draft a model conservation restriction. [Letter of ref. ¶ 1]

   Ex: I can't stand seeing litter in public parks. [Reverse dislikes ¶ 3.]

Remember, just as multiple witnesses lend credibility to testimonial proof, multiple data sources lend credibility to a criterion. If the supporting data are lengthy, summarize the 8 to 12 strongest points in evidence and then summarize other material not presented.

What if you have contradictory evidence? Here, just as you would cite a case adverse to your position to the court in your brief, you will want to cite such evidence in here as well. If the contrary evidence is significant, perhaps you should revisit your analysis to see if the criterion truly does reflects the weight of the evidence. You may find that you have two criteria masked as one, or even a conflict between two sub-criteria to be resolved by deciding which of the inconsistent sub-criteria is most important.

**G. Make sure what you have is both broad and deep.**

You now want to move beyond this preliminary analysis to develop more explicit criteria by which you evaluate professional opportunities. Such a task implies both breadth and depth: breadth to ensure you have not omitted a critical variable; depth to ensure the most powerful are included in a specific order. Or, if you were testing your work like you would an administrative decision, ask whether you have considered all the relevant factors and facts.
One way of doing this task is to revisit the data to see if it reveals information about issues such as:

- Setting
  - Scale
  - Large organization
  - Small group
  - Individual activity
- Structure
  - Hierarchical
  - Peer to peer
- Location
  - Large city
  - Suburban
  - Small town
  - Countryside
- Strengths to put to work
  - Legal e.g., brief drafting, research, advocacy, analysis
  - Non-legal e.g., putting people at ease
- Interests (involving matters whose subject matter is fascinating)
  - e.g., medicine, sports, the arts
- Values effected
  - Ends to be served e.g., environmental protection
  - Means to be used e.g., adversarial activity or counseling and advice
• Sense of justice or injustice if different from A or B

• Whether or not you will like your clients, (and if not, what motivates you?)

• Personal
  
  • Family e.g., time with spouse, children
  
  • Recreation, vocations, hobbies

**H. Set some priorities for your criteria.**

At this point, you should have a number of criteria for your decision. Review them to see if they fit you. Ask yourself whether they are specific enough to not represent anyone else. What you are trying to do is to get to those aspects that are unique to you so you can make sure you honor them appropriately in your plan.

Then put your criteria into order based on priority of importance. All criteria are not equal and you need to decide what is most powerful for you because we have a limited mental “span of control.” Choose your top four or five so that you can keep them in mind when you later evaluate a professional opportunity.\(^\text{21}\)

**I. Remember, you are still in charge.**

When you are finished with this process, you should have a number of criteria for evaluating professional opportunity that reflect your sense of self and your best self. This set is not an end in itself, but a means to an end—a better sense of direction for you that

\(^{21}\text{If the process of setting priorities proves difficult for you, pick the most important and the least important. Then you can set those aside and make a choice again for the most and least important among the remainder, and so on. The point here is that it may be simpler to convert a pluralistic decision into a binary one to the extent feasible.}

Another way to work is to combine factors. To draw on an example from arenas of practice, suppose you found you were interested in tax law, but also land conservation. Can you combine the two to make a practice concentration? Boston Attorney Stephen Small used both interests by advising landowners of how to use conservation restrictions to remove unwanted development (and therefore taxable) value from the landowner’s potential taxable estate. *See* note 9 and accompanying text, *supra.*
brings confidence. Remember that you are optimizing, not perfecting, your professional future.

**J. Write your Legal Career Plan.**

Just as it is not enough to do the research in preparing an major appeal, you need to write the brief. Here you have an advantage because of your legal education. You have done the research; now write your brief. Write a document that can stand by itself and one you can refer to at a later date. While your plan is specific and unique to you, you should write it as if you had to publish it so someone who did not know you would see the logic and persuasive force of what you have done.

It should contain the following elements, which are designed to explain what you have found. Thus, it should be complete with:

- A brief introduction that clarifies your sense of the task and any background you would like your reader to have.

- Your selected criteria and supporting data. (Because of the utility of referring back to it, you will find it helpful to quote most of the data verbatim, amplified with further background as necessary, though in the case of your self-deposition, you may want to make summaries or use illuminating excerpts. If your supporting data consist of information from various instruments, you may want to cite the score and what it means so that in the future your paper will still communicate to you without having to refresh your recollection.)

- A brief description of your confidence in the accuracy, comprehensiveness, and importance of the criteria you have chosen. Here is where you can record some of the tradeoffs you made and uncertainties you may retain. (The point is to come to
provisional conclusions without abandoning your capacity to reconsider and revise them based on new evidence or insights obtained later.)

• A summary statement, e.g.,

"An opportunity in the law for me should meet the following standards in the following order of priority:

  Criterion a
  Criterion b
  Criterion c
  (...and etc.)"

In summary, you can test your handiwork by asking the following questions.

• Does it demonstrate your understanding of various sources of information?

• Does it show a logical link between the data and the criteria abstracted from it?

• Is the evidence of sufficient weight, variety, and volume to support the conclusions drawn from it?

• Have you acknowledged and recognized contradictory evidence?

• Are your criteria well written and specific?

• Do your criteria address all aspects critical for you, and have you set priorities among them?

• Is your analysis leading up to your criteria readable and easy to verify?

• Have you cited evidence for a criterion in a way that someone who does not know you could read it and understand the rationale?

• Does the criterion fit you, and does the evidence fit the criterion?
• Have you framed your criteria positively, that is, say “I want X”; not, “I don’t want Y.”

• Are your criteria specific? Like a good newspaper story, do they tell the who, what, when, where, why and how?

Assuming your criteria meet these standards, in the next stage of the process, you will try to apply these criteria to specific legal career opportunities.

VI. Research legal areas of interest to you.

A. Introduction.

Your next task is to choose a specific law practice role that will fit your criteria. In order to do that, you need to research the legal profession in general, and a target area of practice in particular, to see where you might best fit. Your work will involve library research as well as interviews with practicing attorneys.

B. Why on-the-job training may not provide you with the information you need to make informed decisions, even at the best of firms.

Assuming you were to get a job out of law school, can you wait for on-the-job training to help provide the information that you need? Many firms are now seeking lawyers who can add value right away. It is now expected that young lawyers begin their careers with a sense of direction. Thus, the more a young attorney can understand the practice opportunities available, the better he/she will be able to shape the first position in a positive direction, or even get a job in the first place.
C. Learning before you get a job.

Short of actual experience with a variety of practice types and contexts, what can a law student do? The answer is to research the practice of law just as you might research a case.

Here you are doing research not on a legal doctrine, but an area of law in which you have an interest in order to make informed decisions. Your objective is to compile a brief outline or short profile in which you summarize in writing information regarding a chosen area of practice.

D. Steps for research.

1. Undertake a legal interest survey to find areas of law for further research.

You may have some idea of an area of practice from courses you have taken, but the realm of law has many aspects, and it is helpful to see what might interest you beyond what you have already encountered. One way is to expose yourself to various areas of law and then reflecting on what you read or can find out from interviews. One early step is to undertake a legal interest survey. For example, your law library will likely maintain a copy of the table of contents of various legal periodicals. You can use these titles as guides to discovering what legal matters most interest you. For instance, as you read through the table of contents of a law review, the following article might catch your eye:

“A New Legal Duty for Urban Public Schools: Effective Education in Basic Skills.”
Assuming this is an article you would like to read, what makes it important to you? What is its “hook”? It might be the education aspect or the concept of legal duty or that it involved urban schools.

In any event, you should try to discern the key issues and summarize them in your blog, e.g., “urban education.” Note that the same article might have multiple attractions; if so, articulate each in a separate blog entry.

If you don’t have access to a list of articles, you can also often go on to the website of continuing education providers, like the American Law Institute-American Bar Association, or the Practicing Law Institute, or in a specific state, Massachusetts Continuing Legal Education, or even Suffolk Law School’s Advanced Legal Studies program. Each of these will likely feature programs of current interest to members of the practicing bar, and can give some ideas of emerging areas of law practice in which you might have an interest.

The specific source is less important than finding a vehicle where you can expose yourself to areas of law or areas of practice you might not have encountered but which might be worthwhile for you to investigate further.

2. **Abstract out the key matters to find a target area.**

When you are done with the various sources you find, sort them into clusters, putting a heading at the top of each cluster. Sort the clusters by relative importance. The result should be one or two target areas of law for further research.

3. **Research those areas in the literature and in the field.**

Once you have selected one or two legal areas of interest, you can begin to learn more about them. The object, however, is to build a profile of an area of practice from the
literature, and then move to the “real world” of the practicing bar. You can begin the process of exploring your preferred professional role by starting in your own law school library. Again, just as you made notes for yourself when you were developing your career criteria, you should continue to do so here in your personal blog. Keeping track of your path of inquiry will save you time later because it avoids redoing an earlier step.

For example, if you find an area of law to investigate, record the sources you examine, noting salient information. Your research will not only help you choose a target role, it will also help you be better prepared for your conversations with the attorneys you will later interview about their work.

4. Possible sources of information about those areas.

There are several resources to help you target specific practice areas:

- News Articles: Articles you may want to read.
- Books: Course books, horn books, nutshells, guides, and manuals.
- Periodicals: Periodicals about the legal profession, such as The National Law Journal.

- Faculty or Alumni: Faculty or alumni may know of useful sources to examine in a particular field.
- Subscription-Based Resources: Subscription-based resources, such as Lexis and Westlaw and BNA.

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23 See LexisNexis, Lexis Areas of Law (last visited Jan. 29, 2012), http://lexisnexis.com/lawschool. In order to research a specific practice area, go to Areas of Law-- By Topic, which is on the main search page. Most areas of law have links to cases, court rules, statutes, legislative and administrative materials, law reviews, treatises, and analytical materials. You can also try a natural language search in LexisAdvance.
24 See Westlaw, Westlaw Directory, (last visited Jan. 29, 2012) http://lawschool.westlaw.com (accessible upon sign-in). First, select View Westlaw Directory at the middle of the left column on the main Westlaw page, then choose a practice area under Topical Practice Areas. Like Lexis, Westlaw allows you to browse
• *Google Scholar:* Google Scholar sorts through extraneous postings and lists more journal articles.\textsuperscript{26}

• *Discussion Groups:* Discussion Groups, also known as “listservs”, provide ways to learn about cutting edge issues, communicate with specialists, network, and learn about professional opportunities. The ABA Discussion List\textsuperscript{27} has a list of discussion groups.

• *Conferences:* Conferences that take place at your law school. These may be free to students. You can also inquire about scholarships for law students who want to attend, or offer to volunteer at a conference, which may allow you to participate without charge. One list of legal conferences can be found at Legal Scholarship Blog.\textsuperscript{28}

• *Continuing Legal Education (CLE):* CLE is not only for after you pass the bar. If there is an area of law you may be interested in, explore CLE materials and conferences. Again, if the conference or workshop is at your school, you may be able to attend without charge. You will also be able to meet lawyers in the field.

• *Internships:* Internships, whether paid or unpaid, for credit or not, the experience is invaluable. (A great resource for internships can often be your law school’s career development office.)

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\textsuperscript{26} See Google Scholar (last visited Feb. 10, 2012), http://scholar.google.com
\textsuperscript{27} See ABA Discussion (last visited Nov. 24, 2011), http://apps.americanbar.org/discussions.
\textsuperscript{28} See Legal Scholarship Blog (last visited Nov. 24, 2011), http://legalscholarshipblog.com. The best way to narrow the list of conferences is to scroll down to categories and select your area of interest. A list of conferences and calls for articles will come up. Keep in mind that these conferences will not all be local.
• **Professional Organizations:** Professional organizations, like the American Bar Association (ABA), state bar associations, and local bar associations have information on practice areas. The ABA has a student division, which you can join at a low cost. When you join the ABA, you are able to subscribe to publications for specific areas of law. The ABA offers journals along with your membership. Also, to learn more about the areas of the legal profession that are growing or research current hiring trends in the profession, visit the ABA's Market Research Department's web page where the ABA has statistics and reports about lawyering and the legal profession. As a law student you can sometimes join a local bar association at a reduced rate. Being involved in a local bar association as a law student offers a way to enhance your learning about law practice while you are still in school.)

• **Social Media:** Professional social media, like LinkedIn, allow you to network online. Martindale Hubble has Martindale-Hubbell Connected. Your school's career development office may know of some local professional social media sites.

• **Blogs:** Blogs are often helpful sources of current information. **Jurist** is an authoritative legal news and real-time legal research website involving a team of

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29 See ABA Student Division (last visited Nov. 24, 2011), http://www.americanbar.org/groups/law_students.html
34 For more information on social media, see CAROLYN ELEFANT & NICOLE BLACK, SOCIAL MEDIA FOR LAWYERS: THE NEXT FRONTIER (Am. Bar Ass’n L. Pract. Mgmt. Section 2010).
law student reporters, editors & web developers overseen by law professor

Bernard Hibbitts at the University of Pittsburgh School of Law. Law Professor

Blogs Network has a list of current blogs in alphabetical order by practice area.

Blawg Search at Justia has an extensive list of blog categories.

- Alerts: Alerts can track hot topics in your areas of interest. Google Alert will let you know when something new has been posted online. (You can also set up a Google Alert directly through Google Scholar to filter extraneous postings.)

Westlaw has an alert feature called WestClip. LexisNexis has an alert service called LexisAlert. Keep in mind that WestClip and LexisAlert may have a fee in accordance with your law school's contract.

- Really Simple Syndication Feeds (RSS Feeds): RSS feeds allow you to subscribe to blogs and receive emails with new postings to your chosen reader. Subscribe to RSS feeds via websites that you visit often.

Once you have an area of law in mind, make a quick scan of multiple sources to get a sense of the universe of available information and start a list of areas for further research in your blog. You can then come back to it later for more in-depth research.

E. Research the practicing bar.

In addition to learning more about areas of law, you will also want to understand something about the types of practice.

1. Types of law practice.

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39 See Google Scholar, note 26, supra.
40 One such reader is Google Reader, which you can access through a Gmail account. See Google Reader (last visited Nov. 24, 2011), http://www.google.com/reader.
David Maister, a former Harvard Business School Professor, analyzed professional services into three categories:

**a. Efficiency-based practice.**

The first is a “procedural” legal service, where high volume and efficiency matter. Putting together the documents for conveying real property, mortgage refinancing, or debt collection is high volume but low input in the sense of attorney time. It may take time to set up the forms and procedures, but once they are done, paralegals can help do much of the work.

**b. Experience-based practice.**

The second area of practice is “experience-driven.” This practice involves doing the same thing over and over again and getting good at it, but it’s not something that can be delegated to a paralegal. For example, if you’re drafting wills, a paralegal may help with some of the drafting, but the oversight and professional judgment has to come from the attorney who knows the estates, the parties, and the law enough to put all that together.

**c. The expertise-based practice.**

The third area is the “expertise-based” practice. The expertise-driven practice is where you have not done a given task before, but use the skills and knowledge you already have to solve the new problem. If you think about your own growth as a lawyer, you will start at the expertise level, because you have never done something before and you will have to apply your mind to it just as if it is a fresh matter. As you do multiple versions of the same work, you become an experienced lawyer, and then maybe it even

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42 Id. at 24-25.
43 Id. at 23-24.
becomes routine. For example, the first mortgage refinancing you do, you will read those documents extra carefully because you do not know what they mean or what they do. If you have done hundreds of such transactions, you will know much of what is in the documents because you have seen them many times before.

Also, Professor Maister indicated that law practice can also be thought of as falling under one of several types.\textsuperscript{44}

1) Client-focused practice.

One is a client-focused practice, where you focus on a particular client and do things for that particular client in multiple legal areas. For example, the City Solicitor for the City of Newton, Massachusetts, is the chief legal officer for the city, and she and her staff do almost all of the work for that municipality. Similarly, the general counsel for a corporation often will handle routine matters, and seeking special expertise as needed. In these contexts, the primary focus is on meeting the continuing needs of a small number of clients on a regular basis but with varying types of problems.

2) Case-focused practice.

The other type of practice is case-focused practice, where you do not necessarily have a continuing relationship with a client over time, e.g., personal injury or workman’s compensation. A practice of this type tends to depend on lots of clients with similar problems, and it has sub-categories as well. For example, a lawyer may do nothing but

\textsuperscript{44} Presentation at Harvard Business School, Boston, Mass. 1986.
help write appellate briefs for various clients, being brought into a matter by other counsel.\textsuperscript{45}

\textbf{3) Personal or Remote Practice.}

Professor Maister also recognized that professional services can be personal or remote. Imagine the difference between the work of a pharmacist, who has limited contact with patients, and a psychotherapist, whose work is almost exclusively conversation with patients. In both cases, professional knowledge and skill are necessary, but in the former case care in attending to detail are also important, and in the latter interpersonal skills. In the same way, lawyers can be closely involved with and advising clients or more in the background doing work on client matters.

\textbf{F. The “de facto specialization” of the profession.}

With the exception of recognized specialists, such as intellectual property or admiralty, attorneys rarely specialize as a matter of form. On the other hand, attorneys often do concentrate in various areas of practice in ways that constitute “de facto specialization.”\textsuperscript{46}

Law professor Lynn M. LoPucki of the University of Wisconsin-Madison made a study of 26,000 responses from attorneys to a questionnaire designed to help determine the pattern of “de facto specialization.”\textsuperscript{47} While her study was completed a number of years ago, it still offers a helpful sense of the variety of ways that attorneys shape their work.

\textsuperscript{45} In summary, there are many ways to be helpful in a legal role. \textit{See generally} Gerard J. Clark, \textit{American Lawyers in the Year 2000: An Introduction}, 33 SUFFOLK U. L REV. 293 (2000).
\textsuperscript{47} Lynn M. LoPucki, \textit{The De Facto Pattern of Lawyer Specialization} (Institute for Legal Studies, University of Wisconsin-Madison Law School 1990).
Prof. LoPucki found “de facto specialization” occurred along at least eight parameters, with many respondents being classified along more than one parameter:

1. Body of knowledge (e.g., bankruptcy, toxic waste disposal, income taxation, though some respondent attorneys link the learning to the problem, such as business planning).

2. Type of client (e.g., shopping center developers, athletes, immigrants, foreign companies, small businesses, elderly people, credit unions, and labor unions).

3. Side (e.g., labor or management, personal injury plaintiffs or insurance companies, residential tenant and corporate landlord, debtor or creditor).

4. Operations or legal task of a nonstandard nature (e.g., trial preparation, trial practice, appellate practice, lobbying, counseling clients), or of a highly standardized nature (e.g., condominium documents, defined benefit plans, residential mortgages, or business franchises).

5. Forum (e.g., particular courts, agencies, or legislative bodies where knowledge of the people, as well as informal and formal rules are important for success).

6. Geographical area (e.g., courthouse, town, city, state, or even the nation).

7. Size of the matter at issue (e.g., small, high volume collection matters, major case litigation, with the requirement to care for and feed the support systems such matters involve).

8. Relation to the team (e.g., client contact, case management, specific tasks).

Implicit in this idea of "de facto specialization" is to focus on the type of client you want and the kind of service you want to provide. It is your duty to turn away clients or matters which do not meet your target profile. Indeed, it is this
prospect that makes it difficult for some attorneys to focus their work. They consistently doubt there is enough work to support them if they concentrate on a specific area or type of matter, and if they stay open to opportunity, who knows what client might knock. Such issues aside, many attorneys sincerely like helping people, and it is often personally discomforting, however ill-qualified we might feel, to turn away someone in difficulty whom we feel we can help.

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When you have completed your research, you should have both a picture of the field in which you have an interest and a picture of that field as it is practiced. What you want to do next is to verify or modify those impressions based on interviews with practitioners in the target areas. How do you find them?

**G. Finding attorneys in your target area of practice.**

Your library research may already have provided you with a number of target attorneys to seek to interview, but there are other sources as well to find lawyers in a practice area:

- *Reported decisions of courts in your jurisdiction*

- *Faculty recommendations* (Even though law faculty may not practice actively, some are willing to help find able lawyers to help students who approach them for advice.)

- *Alumni networks consisting of graduates of your law school.*
• **Martindale-Hubbell**: Martindale provides a search by practice area, law school, firm name, among other qualifiers. Martindale-Hubbell is available free online as well as on LexisNexis, which provides a far more powerful search capability.

• **Findlaw.com**.

• **ABA profiles**: [http://www.abanet.org/careercounsel/profile/profession.html](http://www.abanet.org/careercounsel/profile/profession.html). This ABA site provides profiles of attorneys in various fields.

• **Westlaw**.

• **LexisNexis**.

• **Bar associations**: Many bar associations have committees on which lawyers volunteer to serve, ranging from the American Bar Association to state and local associations. While some of these committees are concerned with issues of interest to the profession as a whole, as discussed above, a number of them are organized by substantive areas of interest.

**H. Interview a number of attorneys about their work.**

One of the most useful methods of collecting information about law practice involves interviewing a lawyer practicing in a field in which you are interested. The

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51 Helpful local (Massachusetts) resources include: the Massachusetts Board of Bar Overseers, available at http://www.mass.gov/obcbbol/, and the Massachusetts Lawyers Diary and Manual, which can be found at your law library.
52 See Westlaw, West Legal Directory (last visited Jan. 29, 2012), http://lawschool.westlaw.com (accessible upon sign-in). To search Westlaw’s directory, just type WLD on the main search page in the “Search for a Database” field. This will bring you to a template where you can type the known information about the particular lawyer.
53 See Martindale-Hubbell Law Directory on LexisNexis, supra note 49. To search for a lawyer, click on Find a Source on the banner menu across the top of the research page, then type Martindale-Hubbell, which creates a list of specific directories, allowing you to choose the most appropriate.
information generated tends to be qualitative: written sources can supply the basics, but personal interviews can help you understand the nuances and matters that do not get into print. You can try out ideas or test hypotheses in a relatively low-risk way. Because it is highly interactive (especially compared to, say, a written survey), you can tailor questions, seek clarification, and pursue interesting ideas as they arise. However, probably the single most important element in successful interviewing is careful preparation.

Sometimes students find this process hard to start. Who do you interview? First, you can interview someone you know well, like a friend or relative in law practice, even if they are not in the target field of law to get a feel for the process. The real challenge, however, is to find lawyers in your field who can help you make the most informed judgment about your best professional role. Again, here is where your research skills are important. If possible, you should try to find lawyers who are not only skilled and experienced in an area of practice, but who are also admired for their personal qualities of character and professionalism. The research will help you sort out whom you might want to know more about, and perhaps even seek to interview.

In trying to get started, you may find it helpful to confer with one of your professors that teaches in the field or an allied one. They can often, as part of regular office hours, or even by appointment, point you in directions for further research and to attorneys you might want to seek out. The process of asking questions of an instructor can also help prepare you for a more extensive conversation with a practitioner later on.

I. A professional responsibility advisory.
Before you contact any practicing attorney, you will need to be especially sensitive to two sets of issues, which are part of your own responsibility as emerging professionals:

- Successful attorneys are busy people. If you want to reach out to them, and especially if you want to interview them, you must prepare for the contact in advance to not waste their time or you risk damaging similar prospects for your successors.

- Because you are doing homework on your career does not mean that the contact should be used to get a job interview you might not otherwise have gained. Successful attorneys are deluged with resumes from job seekers. You must therefore not use an informational interview as a pretext to get past the resume screen, going even to the point of declining an offer that might – and this does happen – emerge from any interview. When you have completed your work, you can return to that attorney, but to be credible, your purpose has to be focused on finding out about the attorney and his or her chosen field of practice, not the reverse.

**J. Getting the interview.**

Once you have targeted your chosen attorneys, you should do as much homework as you can on what they do so you can learn about their practice from public sources. But even with that foundation in place, conversation may be the most illuminating for you. How do you get busy attorneys to talk with you?

First, if some of those you want to interview are alumni of your law school, you may find them more willing, especially if they have previously expressed a willingness to talk with current students to your Career Services Office. But even if they have not
formally identified themselves, alumni are usually happy to speak with current students from their law school. They in turn often can help you make a connection with members of the practicing Bar who attended other institutions.

Second, even attorneys who are not alumni of your school are often willing to share information about their practice with an interested student, provided there is a good reason and the student has evidenced having done his or her homework first. Often a letter in advance of a phone call explaining who you are and what you are interested in will help. Students who have been successful in obtaining interviews offer the following advice about what to include in your cover letter:

• Why you want the interview.

• What kinds of things you want to talk about (For example, one could be a realistic view of the practice area. See also, preparing for the interview, below.)

• How long you would like to take. (Fifteen to twenty minutes is reasonable to ask for - you may get more once you are in the interview.)

• When you will call to set up the appointment. (Make sure to call when you said you would.)

In setting up an interview, be prepared to meet with the attorney at a time that is convenient for him or her—probably lunch or before or after hours, or even consider offering to meet him or her in transit—such as offering to drive the practitioner to work if you have access to a car, or to ride in with him or her on public transportation.

Always confirm your appointment the day before to avoid wasting time if the lawyer’s schedule has changed and as a reminder of the purpose of your visit. In addition,

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54 One student in the Suffolk course reported that his handwritten note stood out so much from all the attorney’s email traffic that he was offered an interview.
assuming the attorney has an assistant, you will also need to treat him or her with the same level of respect and courtesy because, like clerks of the courts, they can help you if they feel you are willing to learn and are sensitive to the demands on their time and attention as well.

K. Preparing for the interview.

1. Do homework as you would for an expert witness.

You will be much more successful in interviewing an attorney if you have done your homework on him or her in advance, just as you would for an expert witness. That means reading about the attorney, including a simple Google search. Also, one presumes that you have narrowed your search to people who are eminent, but it is worthwhile to

- Check your local Board of Bar Overseers to make sure there are not disciplinary matters pending.
- See if your attorney has a professional webpage.
- Find out if this lawyer is the attorney of record in any important case law,\(^55\) if the lawyer has been mentioned in the press, or if the attorney has authored law review articles or books.\(^56\)

The more research you do in advance, the more prepared you will be to use the scarce interview time to learn what you can’t on your own. More importantly, you demonstrate the type of preparation that can lead the attorney to recommend colleagues

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\(^55\) To find out if the lawyer was the attorney of record for any important cases you can search in Westlaw or Lexis. To search in Westlaw: Select a database (MA-CS Mass cases, All State and Federal Cases, etc.) Under fields, select Attorney and enter the attorney’s name. To search in Lexis: Select a database (Federal & State Cases, etc.) Under the “Restrict by Document Segment” option, choose counsel and enter the attorney’s name.

\(^56\) Westlaw and Lexis can also be used to search for law review articles or books authored. To search for these in Westlaw: in the “Search for a Database” field enter TP- ALL. This will bring you to the “All Law Reviews, Texts & Bar Journals” library – perform a terms and connectors search. To search for these in Lexis: Under Secondary Legal, select “Law Reviews & Journals” – perform a terms and connectors search, limited to the author field.
in the same field with whom you might also talk. The point is not to pry into someone’s life, but simply to learn about his or her area of practice as much as you can from public sources so that you demonstrate respect for his or her time shared with you.

2. **Prepare lines of inquiry or a questionnaire.**

   If you are unsure how to proceed, you may find it helpful to prepare a list of questions, just as you would for a key witness in a deposition. In thinking about your questions, be clear about your reasons for the interview, such as:

   - To gather information not readily available from other sources;
   - To test out ideas you have already developed about how certain practice areas work; and
   - To find other lawyers to ask for advice and information.

   It will be most helpful if you can determine in advance what specific information you hope to get from the interview, which is where a questionnaire can help, even if you refer to it sparingly. Pay particular attention to what questions you really need to ask, as well as the sequence that is most likely to generate candor and helpful information. For example, it is wise to ask for information before you ask for advice. If you have time, test out your questionnaire on a partner before the interview, and revise it, if necessary.

3. **Types of questions to consider.**

   In developing a questionnaire you will want to structure it—if possible—to engage the interviewee at the outset. Simply put, you want to avoid “Dead Air”. Some attorneys will open up easily and others will be more reticent.

   One way to begin is by asking for examples of the work the attorney most enjoys and finds successful. These examples can inform you how the attorney perceives rewards
of this area of practice. Another way to begin is by confirming some background information about the attorney if it specifically relates to an interest of yours, such as a major case that he or she worked on.

When you have some helpful information in hand and the conversation is going well, you might then feel comfortable enough to ask for some advice. You can frame the inquiry in a general way, such as “what do you wish you had known in law school when you were in my shoes,” or in particular, such as “assuming the following information about me (describe yourself briefly), do you believe that I would find the kind of work you do also enjoyable, or is there something else I should investigate?”

Because you are inexperienced, all you can likely offer your interviewee in return for his or her time is the chance to help a prospective member of the profession. But it may happen that in your own research you will have become knowledgeable on a matter of interest to your interviewee, then you can offer it to him or her as you think appropriate in the circumstances.

In general, you may find it best at this stage to avoid areas of potential sensitivity, such as law practice economics, saving them for the end of the interview or for a later time when you have developed a more durable relationship with this attorney. Even then, make sure you frame the questions in a way that allows the attorney not to respond, or to be general or specific as the attorney may chose. (“For example, can a new attorney succeed at this kind of practice with the changes in technology and the way law is now being practiced?”)
With those concepts in mind, here are some other areas of inquiry that you may want to pursue, with the caveat that you should reorder these questions, or select others that may work best for the specific attorney you are interviewing.

a. **General background.**

- Can you tell me of some of your successes as a lawyer?
- What has been most enjoyable about your work?
- How has your career progressed since graduation from law school?
- How did you obtain your present position?
- What do you know now that you wish you had known in law school?
- Where do you see yourself in five years?
- How do you spend your day? What percent of your time is spent talking with clients, researching legal issues, negotiation, litigating cases, etc.?
- What do you like least about your work?
- What courses did you take in law school that have been helpful for your present position?
- What courses would you recommend now to someone interested in preparing for the kind of work you do?
- What kind of skills do you feel are necessary to be successful in this area of law?
- What are your interests? How do they relate to your present work?
- What values are most important to you? How are these satisfied through your work?
- What other type of work (non-legal, legal) could you imagine yourself doing?
• How much of your time is involved in office administration? What kinds of tasks comprise this work?

• Is there an active bar association committee/section for lawyers in this field you recommend learning more about? (You may know much of this information already.)

b. Specifics about the field.

• Is your practice oriented more toward a particular kind of client, e.g., physicians, or toward a particular kind of law, e.g., zoning? What is your mix of clients and services and which is dominant?

• Do you find most satisfying your clients, the work you do, or the outcomes you achieve? Which is most important to you and why?

• Does your legal service deal with problems you have not handled before, or matters you have handled in the past, or is it routine enough to delegate a significant portion to staff?

• How much client contact do you have?

c. Your personal criteria.

Here you may want to ask about the specific issues that you have devised in your earlier career analysis. How does this practitioner's experience fit with your own standards for evaluating professional opportunities? If the conversation gets to a point that you are comfortable enough in describing your own skills, you can say, “I’m a person who’s good at this, this, and this. Where do you think I’d best fit in?” You’re asking for advice. That’s different from asking for information.
d. Conclusion.

- Would you be willing to provide me two or three names of other attorneys in this field that might be willing to advise me as you have done? (The point is to see if you can obtain the names of other knowledgeable people who might be the subject of a useful interview.)
- May I use your name in contacting them? (It will often open doors for you if you can use the name of the individual with whom you are speaking in contacting others.)
- May I call you if I have further questions?

4. Conducting the interview.

Arrive on time and be prepared to get to work. (It is common courtesy to call if you are running late.) Again, be respectful to the attorney’s assistant, if there is one.

When you begin, you should know enough about your interviewee to open the conversation, using the research and preparation you have already done. Again, the more prepared you are, the more successful the interview is likely to be.

Rely on your list of questions, but be flexible. Listen carefully and repeat what you have understood if you can. Often, upon hearing your interpretation, the interviewee will want to rephrase the response. You may want to ask a question in more than one way in order to feel you got a helpful answer.

Be specific by using phrases such as, “Could you give me an example?” The more specific information you gather, the more useful it will be to you later.
Be respectful of the interviewee: Do not overstay your welcome and back off if you sense you have entered into a subject area that is sensitive. Finally, you can always ask if there is a question you should have asked but did not.

5. Note-taking.

Some people find note-taking a bit difficult because it gets in the way of building rapport. So, always inquire if it’s okay to take notes because some people will be put off by it if you don’t ask. On the other hand, it can show respect for what is being said. If you don’t feel comfortable taking notes, you can record a voice memo on your smart phone after you leave the interview so you can record key points while the interview is fresh in your mind.

Again, if you haven’t yet done so, write a brief summary of the key points you learned. Indeed, twenty minutes is reported to be the point at which we lose short-term memory. If you wait too long, unless you have remarkable powers of recall, you will lose much of the specific information and, importantly, the flavor of the discussion. This is especially true if you conduct more than one interview in a day.

6. Dress professionally.

When you go for an interview, dress and act professionally. There may be a context where you can dress down, but it’s a sign of respect that you care enough to dress appropriately (and leave your hat behind, if you have one).

7. Always write a swift thank you letter.

At the conclusion of the interview, always thank the interviewee for his/her time, and then send a follow up thank-you note as soon as possible. Thank you notes are quite perishable, and lose value after several days. If you find you tend to put off this task, draft
your thank-you note on the way home. Thank your interviewee for the opportunity provided to you; you can also take a few lines to summarize some of the key things you learned. You are demonstrating to that person by your response that you paid attention to what he or she said. (While email is common, a mailed note or letter still stands out.)

Not only is a thank you a basic professional courtesy, it is also important if you need to call back with a follow-up question. And even if you do not, it is important to preserve the opportunity for a similar experience for your successors. Finally, if you do decide to enter this area of practice, you may want to return with questions about how to make it work operationally, though that is the subject of separate and later homework.

8. **Summarize what you learn right away, preferably in writing.**

   In short, consider your interview incomplete until you have (1) summarized your notes and (2) written a thank you note.

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**Summary: Interviewing—a sequence of tasks**

- Why interview (and, therefore, who).
- Develop a questionnaire.
- Set up interviews.
- Conduct interviews.
- Thank interviewees.
- Summarize what you learned.
- Assimilate the information you have gained in your blog to see where you might go next.
VII. Make a preliminary choice of your legal career focus.

Once you have done research on yourself, as well as areas of law and how they are practiced, see if you can make a preliminary choice; a focus for your legal career.

A. Ways to think about a law practice focus: “Put yourself in the client’s shoes.”

Another way of thinking about your law practice focus is to think of it from the client's perspective. Consider how the lawyers you know might answer the following question from someone at a cocktail party:

What do you do?

1. I'm a lawyer.
2. I'm a lawyer with Able, Baker and Charlie.
3. I'm a [trial, real estate, probate, corporate] lawyer.
4. I help Y kinds of people with X type of legal problem.

Which response will be the most remembered? Likely the last one will be.

Avoid generalities. Be able to articulate your chosen area of practice clearly and simply. Design your explanation to be understood by your client, a non-lawyer. What is the value of your services to your clients? How will you solve their problems?

So often lawyers define themselves by their service, and not by the client need. Recall attorney Stephen Small. While he might classify himself as a tax lawyer to his colleagues, to the world at large, he is the lawyer who concentrated in helping preserve family lands.

B. Test your homework by undertaking a second option analysis.
One way to test your criteria and the research you have done on areas of law and how it is practiced, is to re-examine them in the context of specific opportunities, as you did before when conducting your analysis of options. Here, you should have a more robust set of criteria to determine how it might be applied to real situations, while also checking to see if there are criteria missing from your list.

Take the time to do such an analysis on two or three specific legal roles which you have researched.

C. Commit to your chosen role.

“The moment one definitely commits oneself, then providence moves too. All sorts of things occur to help one that would never otherwise have occurred. A whole stream of events issues from the decision, raising in one's favor all manner of unforeseen incidents and meetings and material assistance which no man could have dreamed would have come his way. Whatever you can do or dream you can, begin it. Boldness has genius, power and magic in it. Begin it now.” [From Goethe]

VIII. Second, begin to think about what would make a successful enterprise.

A. Target Market, Legal Service: Having made progress towards a professional focus, you should now clarify and sharpen it by making a brief written statement about the market for legal services you want to fill and with what kind of legal service. The marketing challenge is to bring together the client and attorney, who can help that client the most.

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57 A quotation which real estate developer James Rouse (who built Boston’s Fanueil Hall Marketplace and the new town of Columbia, Maryland) carried around in his pocket and read to younger associates. ROWAN, supra note 19, at 153.

58 Here are a few good sources for analyzing your target market: Massachusetts Lawyers Weekly and the ABA’s Market Research Department, available at, http://new.abanet.org/marketresearch/Pages/StatisticalResources.aspx.
1. You may find it helpful to ask:

- What individual, specific client would you most enjoy representing?
- What individual legal service would you most enjoy rendering to that client?
- Will your target client be able to generate enough “cases” or business to be sustainable?

2. Then write a statement of the target market segment you want to reach, both as to clients (who), cases (what), delivery (when and how), and what your competitive advantage happens to be (why). There are various ways to sharpen it down: client focus and/or service focus; cost, experience, expertise focus; prototypical client; serving those you most enjoy. The statement should be brief. You may find it helpful to write a summary statement with the following information:

Target Market segment:

- Whom to serve?
- What service to offer that client?
- Where the service is located on the “service life cycle” of expertise, experience or procedural work?
- When and how the service will be delivered?
- How much client contact is involved relative to back room activity?
- Why that client should choose you over competitors?
3. Finally, as an aid to your analysis, think about where your client/service focus would fall on the following matrix:

<table>
<thead>
<tr>
<th>SERVICE FOCUS</th>
<th>FEW SERVICES</th>
<th>MANY SERVICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>FEW SERVICES</td>
<td>(e.g. immigration law for citizens of a specific country)</td>
<td>(e.g. environmental law for business/government)</td>
</tr>
<tr>
<td>MANY SERVICES</td>
<td>(e.g. corporate, tax, for developers)</td>
<td>(e.g. general law practice for business and individuals)</td>
</tr>
<tr>
<td>CLIENT FOCUS:</td>
<td>FEW CLIENT TYPES</td>
<td>MANY CLIENT TYPES</td>
</tr>
</tbody>
</table>

The more focused you can be on a specific client or service, the better. It will help shape your research.

**B. What Do You Do?** Distill your response to the question “what do you do” into a written statement that you can confidently deliver in the time it takes to introduce yourself with a handshake. This is like an "elevator speech" (like the entrepreneur’s pitch to the venture capitalist during an elevator ride) but shorter, since you and your listener would both get uncomfortable with an extended handshake to allow you to speak at length. You may, for example, find it helpful, to write out a short sentence that you can commit to memory. Remember to think about what is special about you that will enable you to satisfy the needs of your target clientele, not just from your own professional point of view, e.g., “I help young families buy their first house.”
C. Legal Fees: It is not, however, enough to know your target market segment; you should also attempt to determine how it will realize revenue for you.\textsuperscript{59} That means understanding the fee structure inherent in serving the anticipated market. Is it transactional, hourly, contingent, or something else? Whatever you do, put a tentative number to it, i.e. x dollars per hour, y fee per transaction, etc., as a way of estimating revenue.\textsuperscript{60}

D. Market Research/Competition: Obviously you are not going to be able to convene focus groups, etc., to determine the degree to which you have a market for your target legal service. But you can conduct some preliminary research to see what competition you might face if you undertake a chosen legal role.

How many attorneys currently list that as their practice in the area in which your target clientele might seek legal services?

- How visible has that area of practice been in the news?
- What is the level of involvement among the community with lawyers in the locale?
- How is it listed in columns about possible legal careers?
- Can you find out the number of clients in a target jurisdiction?
- What kind of legal problems are they reported as having, according to news articles?
- How are they likely to decide upon counsel?

\textsuperscript{59} It is also important for new attorneys to have business sense. An important key to success is understanding basic accounting and financing principles. Here are a few resources. \textit{See generally}\textsuperscript{60} LAWRENCE A. CUNNINGHAM, INTRODUCTORY ACCOUNTING AND FINANCE FOR LAWYERS (St. Paul, Thomson/West 2010); \textit{see also generally} CHARLES H. MEYERS, ACCOUNTING AND FINANCE FOR LAWYERS IN A NUTSHELL (St. Paul, West 2009). \textit{See also} AttorneyFee.com, Find Affordable Attorneys (last visited Feb. 18, 2013), www.attorneyfee.com.

\textsuperscript{60} \textit{See generally} ROBERT L. ROSSI, ATTORNEYS’ FEES (St. Paul, West, 2d ed., 2001).
• Also, what information can you find out about potential competitors, including a web page if you find one?

Building on that information, write a brief statement of what that market appears to be and what competition you may have in reaching it.

**E. Marketing:** Once you have your target market in mind, write a brief statement of how you anticipate marketing your services consistent with ethical rules. You might choose to advertise on the web, to write prospective clients a letter, to speak about a type of problem in a public forum, write a column for a local newspaper, and so forth.61 While marketing is beyond the scope of this article, keep in mind that taking time to write or speak about how the law can help solve client problems is a worthy way of educating the public, but also making you more well known to people who may ultimately need your help.

**F. Next Steps:** For example, suppose you decided you wanted to go into litigation practice, with a concentration in environmental cases and public interest clients. What can you find out through online research or through further interviews that seem to be reasonable strategies to get to that goal?

They might include:

• Further research online, in the library, or elsewhere on your chosen area of practice.

• Internships or externships with local, state or federal agencies, or nonprofit advocacy groups.

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• Clerkships after graduation in a court which handles cases of this type.

• Apprenticeships to skilled attorneys in the field.

• Volunteer work for organizations focused on a particular problem, or with Bar Association Committees in your area of interest.

• Research and writing of your own about a topic of interest to you.

• Further informational interviews with appropriate full-time or adjunct faculty or active practitioners in the field.

• Additional law school or other courses you want to take.

These are not all the steps you might take. But you should get clarity on how you can best advance your career path based on the work you have done so far.

You can also consult with the staff of the Career Development Office to see what ideas they might have or resources they can suggest.

There is no set way to go about this task. But if you can get clarity about what you would really like to do with your law degree, you should begin to plan how you would make that career role a reality.

When you have completed your research on such next steps, write it as an action plan, highlighting for yourself, and for your plan, those activities you expect to undertake and by when. Then put the dates on your personal calendar, so you will have a reminder that is not just part of your plan. The point is to keep you moving towards your goal.

**G. Work Log:** As a way of building good law practice habits, you should log time spent on work as a practicing lawyer would do. It is the practice habit of time-keeping which can help you to draft bills for clients as well as record key information you may need later. Also, keeping time records will gradually help you learn
how much time you spend on your various activities. It will also help you recognize that
time has value, and that when you conclude your work, it is important to recapture that
value as well.

Also, part of the value of the work log is that it encourages you to simultaneously
maintain a more subjective set of reflections in your journal. In your work log you will
find that it is easiest to record time as it is expended, not after the fact, in tenths of an
hour, by task, in a ledger or spreadsheet format to facilitate totals and easy review, e.g.

WL Sept. 6: Drafting first part of self-deposition……. .7
    On-line research on law of torts.................. .6
    Prepare journal...................................... .5

WL Sept. 7 Continued work on self-deposition....... 1.2

H. Prepare a Summary Law Practice Plan. This is your final plan, the
capstone of your work, the summary analysis of the apparent feasibility of your preferred
professional role, both "internally" as it fits you and "externally" as it fits the practice
environment, drawing upon and synthesizing the information you have gathered. (A
memorandum explaining this Plan in more detail is provided separately in an appendix to
this article.)

* 

IX. Conclusion.

The steps in this process are not easy, but the premise for them is that preparation
matters in law as a career and an enterprise. The hope is that by taking them, you will
have enhanced your own.
Good luck!
Appendix: The Legal Career Plan and the Law Practice Plan

(From the Law Practice Planning course at Suffolk University Law School –
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I. Introduction.

In the Syllabus you will have seen references to the preliminary Legal Career Plan
and the Legal Practice Plan. This memorandum is designed to provide you with more
background on each of them. It is set up in three parts: the first part provides an overview
of format; the second provides more detailed instructions about the Legal Career Plan;
and the third section gives more detailed instructions about the Law Practice Plan. You
will find it easiest to refer to each at the time you write them, but all of them are here for
ease of reference at the outset of the course.

* *

Recall that in the first section of the course, you make a preliminary choice of a
legal career and follow that by examining the feasibility of your chosen role as an
enterprise. In reality, the two tasks are complementary parts of a whole since the second
half builds on the first. Your Law Practice Plan may also lead you to rethink some of
your Legal Career Plan itself.

A. The Legal Career Plan.

In the Legal Career Plan you will lay out the criteria you have chosen for
evaluating opportunity and based on your library and field research, summarize a
professional role which you believe fits you. The objective is to get criteria that have a
sound basis in the record of the materials you generated. The other objective is to
determine a professional role that appears to fit those criteria and which itself is supported by the record of your research in written materials, as well as your attorney interviews.

**B. The Law Practice Plan.**

As you analyze the feasibility of your legal career, you will continue to refine your criteria,articulating in more depth a particular legal role and explore whether it is feasible as an enterprise.

**II. Format for your written Plans.**

**A. Include an appendix.**

Please make sure your plans contain an appendix of all the data relied upon, including various materials you generated as part of your research, such as the self-deposition, work log, etc.

**B. Type and organize it.**

Your plans should be typed, with your appendix of supporting material separated by tabs and a table of contents.

**C. Identify your materials.**

Make sure all your appendix materials have your name on them.

**D. Write clearly.**

Your writing need not be in any particular format except to be clearly readable.

Here are some guidelines.

**1. Number pages and paragraphs.**

Make sure your pages (and paragraphs where appropriate) are numbered for ease of reference.
2. Make it easy to read.

For example, it’s often helpful not to “right justify” your paragraphs because that is more difficult to read. Avoid block paragraphs for the same reason, i.e., indent the first line.

3. Use headings.

Headings and sub-headings can help clarify your writing and your reading, just as they can help in a newspaper story. They not only help you focus on what you’re talking about in a particular section, but they also help your reader.

4. Be concise and make the Plans easy to follow.

Lawyers receive an undeserved reputation for obfuscation, or “using five words when one will do.” One of the great legal skills is the ability to make clear and concise statements and your Plans should reflect that skill.

5. Think like a reporter.

Ask yourself if your analysis can be sharpened by asking what, why, how, where, when, who, etc., the standard elements of newspaper writing.

E. Support your conclusions.

You want your reader to be able to follow and be persuaded by what you say without having to read the background data, but also have a sense of how the background data supports the reasoned conclusion you have reached.

Just as you would not respond to a law school examination with the answer, “A wins,” so you should not produce an unsupported conclusion in your plan. As with an examination answer, at least as a tool for thinking about it, ending sentences with the
word "because" helps you make sure your conclusions are not offered as self-evident propositions in search of a rationale.

If you cite to a source, provide enough information about the source so that it is a clear authority for the conclusion without the need to refer back and forth between the appendix and the narrative.

The objective is for you to get to a level of analytic and emotional comfort to be able to report your conclusion about your preferred professional future and why it works for you, with the plan document and supporting appendices providing the backup. In both your oral presentation and plan, you want your listener/reader to follow and be persuaded by your logic without having to read the background data, but having a sense of how the background data supports the conclusion you reached.

F. Draft, revise, and clarify your work.

Remember that this work is ultimately legal in nature. You do research online and in written materials and through interview. You analyze that information, develop theories, test them against the data, and reformulate conclusions. It is an interactive process where information and analysis continue to inform each other in progressively more sophisticated but not necessarily more complex ways. Clarity and simplicity ultimately emerge from preparation and revisions, just as they do in a good legal brief, especially if informed by oral presentation and the follow-up questions it may suggest.

III. The Legal Career Plan in more detail.

The Legal Career Plan will have two components: the career criteria and professional role sections.
A. The career criteria section.

The career criteria work is described in more detail earlier in this article. In summary, it involves using multiple sources of information about you to induce criteria to use in choosing a professional role. (You will do an early version of this process in undertaking an analysis of one or two roles you might consider). A good appellate brief should be clear to a judge without having to refer to the trial record on appeal, but rather informed by it. So should your Career Plan. You begin that process with your career criteria section, which should stand by itself, that is, someone should be able to understand it without the benefit of the background information provided in your appendix.

As indicated before, the purpose is to demonstrate how you arrived inductively at the criteria or standards you want to use in assessing opportunity. It is a challenging process because you will look across data to clarify older criteria, and also prospectively to develop new criteria that might not be apparent from your past. At the same time, you have done this type of legal work before when you looked at several cases to see what legal principle for which they stood.

Here is some advice derived from past classes about the Career Plan:

1. Format.

Make it readable, i.e.

- Criterion: [promote environmental protection].
- Evidence: (These are references to various exercise/activities you undertake.)
- Self Deposition P. 25: Did XYZ on ABC project, etc.
• Strong Interest Inventory: Interests “very similar” to an ecologist’s
• Myers Briggs Inventory: Preference for gaining information by looking at the whole system rather than specific parts.
• Letter of Reference 1: Commented on my love of nature and so forth.

A narrative will do, but it is helpful to break it up so the evidence is clearly set out as relating to the criteria. At the same time, the career criterion is the important conclusion to reach, just as evidence in trial leads to a verdict.

2. Your career criteria.

(a) **Keep your criteria minimal.**

Work towards 3 or 4 criteria. More than that can be difficult to use.

(b) **Put your criteria in order of importance to you.**

If you had to choose among them, which would you trade off?

(c) **Honor your dominant skills.**

You are seeking to discern what you can do better than almost anyone else. What is that something? You are a natural whiz at some activity; what is it? How does that understanding shape your criteria?

(d) **Honor your “calling.”**

Be clear that the objective that energizes you – what might be referred to as your “calling” (another name for vocation) – is honored in your criteria.

(e) **Seek first what you will enjoy.**

Keep looking at making your preferred future feasible, rather than making your feasible future preferred. It's more gratifying and ultimately more illuminating.
(f) Are your criteria unique to you?

Test your criteria this way: could they describe almost anyone? Or do they clearly fit you like a glove, so that if someone were to read just your criteria, they might guess it described you?

(g) Make sure each criterion will be helpful in choosing a professional focus.

While a criterion may meet the foregoing objectives, it also should help you make decisions about your professional future. If you are having trouble getting started, ask the following: does the criterion describe how you practice (process), the outcome you seek (product) or the clients you serve (people)? Also, how does the field of law fit in?

Another way to check yourself is to ask whether you find yourself working with data or things, with people in a service or leadership capacity, or ideas in an analytic or creative mode, or even simply working outdoors or indoors. In other words, your criteria are designed to lead to a fit with a professional focus and vice-versa, just as your criteria are drawn from and fit the underlying evidence you have assembled.

3. Evidence for your criteria.

(a) Support your criteria with evidence.

Make sure your criteria are supported by evidence, i.e., "an opportunity for organizational leadership" as a criterion without supporting evidence is insufficient.

(b) Make sure your evidence is clearly supportive of your criterion.

For instance, an opportunity for organizational leadership might be a criterion, and a reference to "college football" would be insufficient since it does not inform the
reader, or your peers in an oral presentation, how that experience supports and informs
your criterion. Was college football something you watched, played, or supported? Make
sure that the evidence cited contains enough information to be self-explanatory.

(c) Make sure the evidence fits the criterion.

For instance, if you cited an example of solitary activity for organizational
leadership, that evidence would not clearly support the criterion without some additional
explanation.

(d) Make sure the criterion fits the evidence.

For instance, suppose you cited experiences of "leading a college football team to
victory against our archrival," and "winning the class debating trophy" as evidence for
"caring for clients." These examples would not fit the criterion even if the criterion fits
you.

(e) Make sure you have enough corroborating evidence for
your criterion.

For example, if you cited only one example for organizational leadership, that
evidence alone would not support the citation without some corroboration. A criterion
will ordinarily have more than one data source to support it and gains credibility through
corroboration, just as would a witness's testimony.

(f) If evidence has a scalar value, clarify it.

Clarify the strength of the conclusion, e.g., "very similar to [xyz]" on the Strong
Interest Inventory.
(g) Order your discussion by criterion rather than by evidence.

While some students find it helpful to go through one source as a way of getting clearer about themselves, you should present multiple data to support a chosen criterion.

(h) You can honor a criterion in nonprofessional ways.

Be aware that some aspects of your life may need to be honored as an avocation rather than part of your professional life, and that’s okay. Massachusetts Governor Deval Patrick is reported to find cooking an outlet for his talents, independent of politics.

(i) MBTI instrument preferences.

Make sure you indicate your MBTI ® instrument preferences as you now believe them to be ("best fit" type). Also, take advantage of those insights in developing your criteria.

Keep in mind from your MBTI ® instrument feedback that the areas in which you are likely to be strongest will be easier; the others will take more time, effort and attention.

For example, suppose you are good at imagining options, and thinking them through. You might therefore want to spend extra effort at finding out the current reality of those options and how realizing those opportunities might affect you and those you care about. Or suppose you have no problem looking at the current reality but have difficulty conceiving options. Here is where some brainstorming help from a reliable friend may be of help. Or suppose you have the big picture in mind, but find the details frustrating, such as things like proofreading. Here also is where another pair of eyes can be of help.
Therefore, take care to re-examine your own cognitive preferences to see if your Plan reflects all relevant insights.

Just as you will need to "manage around yourself" in your practice, you should do the same with your Plan.

B. The professional focus section.

In this section of the Plan you will want to see if you can put your criteria to work in targeting a legal role that fits those criteria. In that regard you will need to add the data you developed on the profession to your story.

For example:

(1) Who you are, whom you want to serve, with whom you want to affiliate (self, clients, colleagues).

(2) What field or area in which you want to practice (interests).

(3) When you want to practice (right away, after apprenticeship).

(4) Where you want to practice (location, environment).

(5) Why you want to practice (ends to serve).

(6) How you want to practice (skills, values).

(Note that you are working to be as idealistic as you can; there is plenty of time to "be realistic", but for the moment determine your ultimate vision, and then work to make it practical.)

Next, you should write a summary of your professional role three years out. Make it specific and put a deadline on it. For example:

"By January 1, 20__, I would be an associate with a firm of 5-10 lawyers in ____________, representing lending institutions on financing questions involved in real
estate acquisitions and development. My role would be to make sure the lender's security was protected. My special skills would be attention to detail and clear drafting of instruments. My special knowledge would involve environmental law, land use, conveyancing and mortgages. My special experience would include two years of work as in-house counsel for a bank and a prior clerkship on the land court."

Then conclude with a short explanation of how the legal role you have selected meets your chosen criteria. If you are not clear on a professional role, narrow it to some target areas for further research and indicate what you intend to do in that regard. Concentrate on the provisional choices you have made as to criteria and where they lead you. The process is iterative – as you learn more about yourself, that learning informs you about where you are going, and vice-versa.

IV. The Law Practice Plan.

In your Law Practice Plan you will continue to refine your Legal Career Plan, but articulate in more depth the first or even a modified legal role and examine whether it is feasible for you.

A. Make your Law Practice Plan a synthesis of your work.

Your Law Practice Plan is a composite of personal criteria and professional focus, as well as limited financial and market feasibility, each of which informs the other. Make sure the final document is an integrated whole where the thesis you have advanced about your future grows out of and is supported by the evidence on the record you have made. At the same time your Plan is one of synthesis, not just assembly.
B. Format.

Again, organize your work product into a coherent whole, making use of headings, tables of contents, tabs, divider pages, etc., to help your reader. (See format discussion above.) If you also chose to supplement what you have already done in the Legal Career Plan, please indicate it.

C. Content.

What follows is a sample of a framework for the Law Practice Plan which you may wish to adapt to your own use:

1. Law Practice Plan:
   
   (a) Cover Page.
   
   (b) Table of Contents.
   
   (c) Introduction.
      
   (1) Review of work to date.

   Here you may wish to report in summary form what progress you feel you have made since the beginning, and anticipate your conclusion later on. This introduction describes the nature of your journey of discovery in building your Plan and its constituent elements. The objective is to get to a level of analytic and emotional comfort for you to be able to report your conclusion about your preferred professional future and why it works for you, with the plan documents and supporting appendix providing the backup.
(d) Law Practice Analysis.

(1) Introduction.

(2) Target market (client/service) segment (as refined).

Clarify your practice: Is your preferred client an individual or an entity? Is your service case or client centered? Is the service routine, experienced, or expert? 62

(3) Market Research/Competition:

Do you have evidence that this market is underserved or otherwise viable for you?

(4) Analysis of financial feasibility in the form of first year cash flow projection, including assumptions on which projections are based, and why.

One of the challenges of any new career is making enough to pay the bills. Here it is important to do the scenario analysis of whether you think you can make ends meet in your future role. Make sure that your financial analysis explains the information, both in terms of its origins, and also the assumptions you made and why you made them.

Numbers are easy to fill in; telling why the numbers make sense is harder. Here is a simple example of a cash flow for four months:

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62 Note that some areas of practice require special education, e.g., patent law.
<table>
<thead>
<tr>
<th></th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
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</thead>
<tbody>
<tr>
<td><strong>CASH INFLOW</strong></td>
<td></td>
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<tr>
<td>Fees</td>
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<tr>
<td>Loans (input as received)</td>
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<td></td>
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<tr>
<td>Capital (input as received)</td>
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<td></td>
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<tr>
<td>Total Cash Inflow</td>
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<tr>
<td><strong>CASH OUTFLOW</strong></td>
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<tr>
<td>Rent</td>
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<td>Utilities</td>
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<td>Secretary</td>
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<tr>
<td>Fringe</td>
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<td>Other Staff</td>
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<td>Office Supplies</td>
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<td>Postage</td>
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<tr>
<td>Insurance</td>
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<tr>
<td>Telephone and Telecom.</td>
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<td>Attorney Salary</td>
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<td>Interest on bank loan</td>
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<tr>
<td>Entertainment</td>
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<tr>
<td>Total Monthly Expenses</td>
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<tr>
<td>Pro-rata malpractice Insurance</td>
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<tr>
<td>Library</td>
<td></td>
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<td>Office Furniture</td>
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<td>Transportation (input as incur)</td>
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<td>Office Equipment</td>
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<tr>
<td>Equipment Rental</td>
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<td>Continuing Education</td>
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<tr>
<td>Marketing advertising</td>
<td></td>
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<tr>
<td>Service calls or contracts</td>
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<tr>
<td>Total Episodic Expenses</td>
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<tr>
<td>Total Cash Outflow</td>
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<tr>
<td><strong>NET CASHFLOW (monthly)</strong></td>
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<tr>
<td><strong>CUMULATIVE CASHFLOW</strong></td>
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</table>

You can use handwritten footnotes to the spreadsheet, but be clear as to how you got the information which you will submit. Note in your cash flow statement that billable hours are not the same thing as hours billed, or hours worked, or even hours collected.
Also, cash flow is not the same as income since even on a cash basis, not all cash expenditures are properly expensed in one year. Cash flow statements are only as good as the research and analysis that goes into the assumptions they use, but they can also indicate issues of revenue and cost that need to be sorted out for a future role to be economically feasible. Note that cash flow needs to anticipate compensation for you since a business in which you work for free will not last long. You should explain your fee projections, such as the basis for any time rate or fee charged, or the costs, such as rent, etc.

(e) Conclusion.

Here you summarize your understanding of yourself with your understanding of your preferred role.

(f) Appendix. (Including backup data for the Law Practice Plan.)

Remember to include in the appendix copies of anything you produced, such as exercises, etc. Again, recycle from your Career Plan appendix what you have already used so you keep copy making to a minimum.

Note that the general pattern is for you to do a reading, an exercise, an instrument, research, an interview, a presentation, or other exercise, but also reflect upon what it means to you in a contemporaneous journal entry. It is both these activities and the reflection upon them that form the record on which you will base your analysis about your preferred legal career and the enterprise aspects of practicing it. Therefore, while the tasks are broken up into units and organized sequentially, they should be viewed, as complementing each other to assure that you have laid a sufficiently solid foundation of research and reflection to draw firm conclusions from it.
IV. Conclusion.

In summary, the two Plans are designed to demonstrate how you have researched and shaped your preferred legal role and provided a record to assess how well you have gone about it.

Good luck.