

On the Failure to Communicate

Summer associates need to master one of the most important tasks: the oral presentation.

BY MARSHA REDMON

This time of year, summer associates working at law firms in Washington are wondering what it takes to get offers at the end of the summer. One skill prized by law firms may come as a surprise to them.

“We are looking for people with great legal minds and judgment, who are able to communicate with confidence and presence and modesty. Those are the key attributes to begin translating that legal mind into becoming a great lawyer,” says Eric Greenberg, co-chairman of the D.C. summer program for Covington & Burling.

Greenberg says his firm helps summer associates to “start to understand that the oral communications process is really the bread and butter of being a lawyer,” although the firm realizes students may not be taught communication as part of law school. “We want to help them eventually to develop into great legal counselors and advisers to clients. And being an adviser is an inherently communicative job.”

COMMON MISTAKES

Summer associates are evaluated mostly on the work assignments they do—predominantly legal research, memo writing, and oral reports of their findings to the partner (or senior associate) who assigned the work. Here are the most common mistakes summer associates make:

- Not understanding the assignment. “Early in the summer, we found summer associates sometimes walked away without fully understanding their research assignment,” says Rick Murphy, chairman of the hiring committee for Sutherland Asbill & Brennan’s D.C. office. “So we have perfected our assignment process to help summer associates succeed.” Murphy says each summer associate writes a short memo back to the assigning partner outlining what the assignment is, what work product is expected, and whether he or she should provide progress reports.

- Being unprepared to report. Many summer associates may need to improve their ability to talk through the results of their work assignments. Covington’s Greenberg says summer associates often come to a meeting expecting a series of carefully worded questions

to draw out their answers—rather than preparing an oral presentation with their conclusions. “They sometimes mistake the informality of the setting for an informality of preparation.” Sutherland’s Murphy agrees: “Not being organized, or using the stream-of-consciousness approach just doesn’t work. They need an organized structure.”

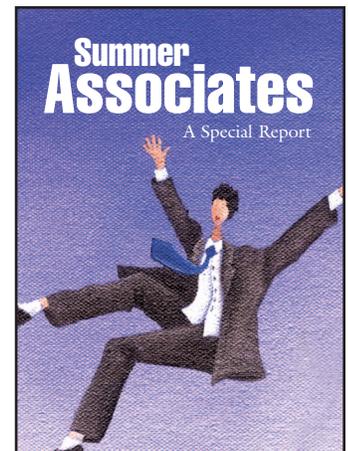
- Failing to draw conclusions. Summer associates also need to improve their ability to draw conclusions based on their research. “Don’t stop short of an answer. Synthesize the research and the cases and decide what it means on the whole,” advises Murphy. “They need to have thought about how it all comes together,” Greenberg adds, noting that drawing conclusions from the research and presenting them orally is “essential training for [some day] presenting to clients.”

QUICK TIPS FOR ORAL BRIEFINGS

Based on my work as a previously practicing lawyer and as a communications coach for lawyers for the last eight years, I suggest the following approach:

- Setting yourself up to succeed. First, clarify the assignment. Paraphrase back what you hear as the assignment. Double-check the deadline. Ask what the expected work product is: Oral report plus written memo? Oral report only? Other written work product? Find out if you should present periodic updates of what you’re finding. It’s a good idea to reconfirm your understanding of the assignment in a quick e-mail to the person who assigned the project, the day it is assigned. Finally, ask what the research will be used for. If you know the context, including the business goal or legal need, you can later refine your conclusions more appropriately.

Next, track your research. Be thorough and accurate as you research. Keep a list of the sources you checked and what you did or did not find. You need to be able to answer questions like, “Were there any 3rd Circuit cases on the waiver issue?” It’s easy to forget what you did after a week or more in the library.



Then, don't stay stuck. If you hit a seeming dead end or find something unusual, check back with the person who assigned the work or a mentor. Don't just keep researching in hopes that the issue will resolve itself.

- Preparing your oral report. First, refer again to the assignment. Start organizing your thoughts by thinking about what the partner wants and needs to know. I call that the partner's WIIFM—"What's In It For Me." What question or questions is the research intended to answer? What overall business goal or legal need does the partner need to achieve? Did you find anything else important that the partner probably doesn't know about? Being clear on the information the partner cares about and the goals she has will help you decide what should be included and highlighted in your oral report and what should be excluded. The more you leave out, the more effective your report will be. Remember the partner's perspective and choose only the most important information.

Try to achieve a simple structure. State one summarizing conclusion, the "answer" to the research condensed into one sentence. Now choose the three best supporting points that illustrate how you reached your conclusion. Choose a few details to support each point. Is there anything surprising or important that also needs to be included? Any caveats?

Then, think about how to create your introduction and closing. You might start by paraphrasing the research assignment and then stating your conclusion: "You asked me to find out if we could do X transaction legally in Massachusetts and Rhode Island. It is clear that, after meeting a few requirements, we can do that deal in Massachusetts. However, Rhode Island has specifically banned that form of transaction in a statute that went into effect in January of this year."

Next, state your two or three main points. "To do the deal in Massachusetts we must meet two requirements: residency and financial solvency. Let's look at those in detail." Your closing is a repetition of your answer to the research question and a summary of your points.

Dump extraneous details. One of the most common mistakes is to tell the partner too much overall and to include too many unimportant details. Offer only those details needed to support your conclusion and supporting points. Let the partner ask for the details that he or she is interested in.

- Delivering your oral report. Practice your introduction and conclusion out loud. This will help you to feel calm and comfortable, and will enable you to make a strong first impression. Also, making eye contact while you're talking is a great way to appear confident and polished.

Be aware of your posture. Walk in confidently, offer your hand, and sit straight in your chair. Don't fiddle or look around while you're talking. Beware of sitting or speaking too casually. These

are important moments in your career. Even if the partner is quite casual, stay just a little more business-like than he or she is.

Be flexible. You should have a simple organization for your presentation so that you can remain flexible and respond to questions as they come. If it makes you more comfortable, bring a tabbed notebook with all of the cases or statutes you found, and a list of the sources you consulted, so that you will have details available in case you're asked. This will also make you look organized and prepared.

COMMUNICATIONS AND SKILLS TRAINING

To help summer associates see a firm's commitment and ability to train them, many firms offer summer associates mock trial, deposition, and negotiation training, among other topics. For the first time, this summer's Dickstein Shapiro mock trial training will feature associate coaches assigned to help each summer associate prepare. "They really enjoy the mock trial. And even though the purpose is team building—they're so competitive—they really want to win," says Katie White, director of professional development and recruiting at Dickstein Shapiro. The firm uses the same fact pattern for the mock trial and deposition seminar to make it easier for the summer associates who participate.

Covington will be one of the few firms to offer its summer associates the opportunity to learn the essential oral communication skills needed to develop and manage good client relationships. "Our marketing staff will be introducing summer [associates] to the process of networking and to effectively introducing themselves and describing the firm in conversation," says Greenberg.

Sutherland plans to offer a women's communication skills workshop for summer associates and associates this summer, Murphy says. Last year, Sutherland launched a ongoing three-part public speaking series open to all lawyers in the firm, resulting in about 50 workshops each year in which lawyers are videotaped and given feedback on their presentation style and content.

The bottom line for summer associates: Take part in the communication and legal skills workshops your firm offers. You'll learn something, and it's a great way to get to know partners in the firm. When it comes time to report on your research, an hour outlining your thoughts, organizing your research, and formulating an introduction, three main points, and a closing will send you to the head of the class.

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