

Surviving Your First Ten Years As A Lawyer



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Find your passion...and four other stepping stones.

YEARS BEFORE MY FIRST LAW CLASS, I thought I was ready to practice law. At the time, I was already working as a law clerk at a personal injury firm. My job entailed interviewing witnesses, preparing and responding to discovery requests, and drafting legal memos and briefs. Among these tasks, I enjoyed legal writing the most. In fact, I had drafted trial court briefs, administrative agency statements, state and federal court appeals, and even a writ of certiorari to “the Supremes” in Washington. Based upon all this work, I was confident about my preparation for the practice of law. However, a few stumbling blocks remained in my way to becoming a successful attorney, including a bar exam, many non-billable articles and conferences, hundreds of soiled diapers, and tens of thousands of dollars of debt.

Ultimately, I survived law school and my first ten years of practice by answering the question, *Why do I want to be a lawyer?* Although I wrestled with that question for many years, it finally came down to the following two words... *helping others*. More recently, I have determined that I want to be a construction lawyer to help others use best practices and technology to resolve their problems.

I am exactly where I want to be in my career and family life — right in the middle of the adventure. Lead-

ership guru John Maxwell teaches that “success is not a destination thing...it’s a daily thing.” For me, answering the *Why?* question enabled me to start an amazing journey that continues to this day. The numerous lessons learned over the past few years have become invaluable to my development as an attorney, a husband, and the father of six young children. When I finally answered the *Why?* question, I realized that many of my so-called stumbling blocks were actually stepping stones to a more fulfilling career and life.

You may think you are not getting enough courtroom experience at this stage in your career. You may be overwhelmed with the thousands of pages of documents that you have to review by next week. You may be questioning your job, your marriage, or both. Whatever your circumstance, I would challenge you to continue your journey and find success professionally and emotionally.

MANY EXPERIENCES, MANY HATS • My career as an attorney has undergone numerous transitions — from student, to law clerk, to law student, back to law clerk, to associate attorney, and finally to partner. I initially characterized law school as a temporary layover to my destination of becoming a succe\$\$\$ful lawyer. (You knew that success is spelled with two “\$\$\$,” right?) I soon learned that the only \$\$\$ in my life as a young attorney were the \$\$\$ that I owed someone else for letting me attend law school.

After graduating from law school, I clerked for two years for the Court of Appeals of Virginia. While that job prepared me tremendously in the areas of legal analysis, research, and writing, a big surprise awaited me as an associate attorney at a construction law firm in Northern Virginia. Long hours, intense cases, neglected family members, a couple of grumpy bosses, late time sheets, uncollected invoices, etc. While you might think these issues became less demanding (or more controllable) as each year passed, it was simply not the case.

Instead, I faced what every young developing attorney faces: the battle between the billable hour and the non-billable hour. One pays your bills — the other potentially pays your vacations. One has an immediate return — the other “may” have a return in the future. The firm loves one — and the firm likes the other one, as long as it does not affect the one that the firm truly loves. As a young attorney, I learned that you can (and must) pursue both the billable and non-billable hour. I also learned that this required some tough choices in my career development. Ultimately, I think my success as an attorney will come down to following stepping stones.

1. Find And Pursue Your Passion

As I look over the past 10 years, there are too many experiences to be able to share in these few pages. What I have learned about being an attorney is that the job is much more than researching a novel legal issue, or writing a winning argument, or even collecting 33 percent on a jury verdict. It is about doing what fulfills you while at the same time helping others with their problems. It is about finding your passion and implementing the best way to use your skills and talents. It is more about the journey than the destination.

Growing up in the *L.A. Law* era, my own journey began with thoughts of designer suits, cash-filled pockets, and multiple convertible sports cars. That’s what makes a “real” attorney, right? I am ashamed to say that I believed this throughout my first few years of practice, until I had a case in which the verdict really mattered. If successful, my client would get paid, he could pay his employees, and he could provide for his family. If unsuccessful, his business would close and supplying food and diapers for two young children would have become the most immediate concern. Although it worked out for my client, that case “made real” to me the role I played in the legal process. It was no longer about a breach of contract, or a complaint of age

discrimination, or the enforcement of a non-compete agreement — it was about people with real-life problems.

Once I resolved to help others, the next challenge was to identify my true passion. Unlike other construction attorneys who had some hands-on experience or an advanced degree in architecture or engineering, I had no prior connection to the construction industry. I got involved (and remained) in that fold because of the people and the technology. As to the people — I love that contractors work hard and play hard. They tear apart and build things. As to technology — I love laptops and iPhones and gadgets. I especially love where construction and technology intersect, such as Building Information Modeling — which is 3-D and 4-D building modeling software to increase productivity in building design and construction. More recently, I enjoy the challenges raised by green building and sustainable design.

Your passion might currently align with your practice area. It might not. That is okay because you always have an opportunity to find your passion. In his book, *Prepare to Win: A Lawyer's Guide to Rainmaking, Career Success and Life Fulfillment*, attorney-turned-marketing-coach Cordell Parvin describes his own personal journey as follows: “I once did not give much thought to why I was practicing law. I just got out of bed every day and did it. I then went through a stage where it was all about me. I focused on generating a lot of business and building my reputation. When I stopped focusing on myself and instead concentrated on how to help my construction clients become successful, I actually became infinitely more successful.”

Cordell has gone from being one of the most successful transportation construction lawyers in the United States to a top lawyer coach in the legal marketing industry. What is your calling? Why do you get out of bed each morning? Are you more focused on generating business or helping your clients?

2. Seek Mentors

I remember my first mentor in the law — a generous attorney who had developed a large personal injury law practice in the Hampton Roads, Virginia area. For him, family came first. To be home for dinner by 5:00 p.m., that meant he would often be into work by 6:00 a.m. If there was a deposition out of town, he traveled early on the day of the deposition rather than spend the night away from his family. As I departed this first pre-lawyer job to enter my first year in law school, my mentor gave me a check that would help pay my first semester's living expenses. My early mentor required me to pay him back in a unique way: he asked me to pay it forward to someone else as my career developed. (And that was five years before *Pay It Forward* hit the movie theatres!)

A mentor does not have to be involved in your day-to-practice. For example, Cordell Parvin graduated from the same law school that I did, but many, many years earlier. (Sorry, Cordell!) He was a Richmond Spider — so was I. He was a construction lawyer — so was I. He was successful — well, I want to be! One day, I called Cordell, introduced myself, and asked for some advice. More than a year later, I am happy to refer to Cordell as a mentor and friend.

You see, throughout my career I have always relied upon different mentors to help me grow as an attorney, husband, and father. It is important to have a variety of different advisors because, frankly, our lives as attorneys are comprised of so many roles. We have to be good researchers and writers. We have to be good time-keepers. We have to be good telephone-call-returners. We have to be good money-handlers. And, if we go home each night to a family, we have to be good encouragement-givers and storytellers.

As a young attorney, you often have too many balls in the air. Every other day, a ball may drop to the ground. You stop. You pick it up. And you start juggling the balls again. I don't think the answer

is to get rid of those balls. I think the answer is to learn how to better juggle. There are many attorneys who have done it right and there are many attorneys who have done it wrong. The key is to build a relationship with someone who can (and wants to) invest in you — whether you need business advice, practice area advice, or even marital and parenting advice. Then, one day, you will be the one teaching another young attorney how to juggle.

3. Prioritize Your Demands

This has been the hardest lesson for me to learn. As a young attorney, I did not even think twice about which came first — the career, primarily because “the job paid the bills.” I struggled with this mindset even at the 10-year mark. I recall heading out of town for a two-week trial. One of my little ones stopped me in the hall and asked why I was going to work with my suitcase. I told her the truth: “I’m going to see my other family.” I jokingly explained that I had another family in another state with a home, kids, and a job. Okay. So that part was a lie. She giggled. So did I.

I laughed so that I could cover up the internal struggle of leaving my family for another extended assignment. I was torn inside. You see, most of my hurdles over the past 10 years stemmed from the fact that I tried to compartmentalize every aspect of my daily life (i.e., work, health, family, friendships). Each had its own little box. Until I came to the realization that there is only room for one life, there was the constant conflict between what I called my “professional life” and what I called my “family life.” While it remains a daily challenge, I have adopted a “family first” approach to my priorities. Although I still work late on many nights, “family first” helps me identify which nights I commit to being home for dinner. Although I may bring home stacks of research, “family first” reminds me that Dr. Seuss may come before Prosser or Keaton.

Just because you may have a conflict between work and family does not mean you have to choose

one and ignore the other. That, my friends, does not work. Trust me. When I picked family first, I learned that I was able to prioritize the rest. When I communicated my “family first” approach to my family, I actually have found greater support and understanding from them when work deadlines require some extra time away from the family.

4. Expect Change

We are living and working in unprecedented times. Layoffs, hiring freezes, and salary cuts plague every industry, including law firms (large and small). As a construction attorney for the past 10 years, I have realized that the industry is always in a state of flux. During strong economic times, I have a lot more contract drafting and project administration work. During hard economic times, I have a lot more work involving construction litigation and filing of mechanic’s liens. I’ve learned to adjust to the circumstances to meet the needs of my clients.

Whether you are a first-year attorney in a civil litigation firm, a mid-level associate with a product liability firm, or a solo practitioner who relies on the next “decent” case to make ends meet, here are a few things to understand about change:

- **Change will happen.** Whether you are talking about your professional career or your personal life, there will be change. You can count on it. I can guarantee it. Most of the time, those people who fail to recognize change have the hardest time adjusting to it;
- **Change and your responses will come in stages.** Consider a change from a large corporate law firm to a small litigation practice. Undoubtedly, you will go through numerous changes in how you practice law, including the amount of time you are able to spend writing a brief, how you prepare for trial, and ultimately how you want to build your business. When I moved from a national construction law firm in

Northern Virginia to a local construction boutique law firm in Nashville, the change came in stages. Fortunately, I expected (and welcomed) those changes, which helped me through the transition;

- **Communication leads to success.** Communication is always important, but it is especially important when you face change. Practically speaking, you need as much information about the change as possible, so that you can make an intelligent decision. Talk to your boss, your boss's boss, and your co-workers to get their understanding of the changes you and your firm may be experiencing. Be honest in all your discussions and deal with the problems when they arise;
- **Flexibility is good.** Change requires flexibility and the ability to adapt. The better able you are to respond to change, the more likely you will succeed. Make an assessment of the situation, identify potential outcomes, plan and develop a response strategy, and then begin to ride the wave. Maybe your current job isn't what you expect. Try to be flexible with an understanding of the potential options...and then pursue them.

5. Prepare For Rain

If you aspire to have your own client base and to develop a successful practice, at some point during the first five years of your legal career you have to begin preparing for rain. What does that mean? Although I love *Any Given Sunday* (for its action) and *Waterboy* (for its comedy), my all-time favorite football movie is *Facing the Giants* (for its passion). Wanting to encourage the defeated coach with a few words of wisdom, the local pastor in *Facing the Giants* recounts the following story: "There were two farmers who desperately needed rain in a drought. And both of them prayed for rain, but only one of

them went out to plow his field to receive the rain. Now, which farmer trusted and believed that it was going to rain?"

In your practice, are you preparing for rain? Unfortunately, there is not a quick-and-easy formula that will make you an overnight success. However, there are a number of things you can do to prepare for a drenching:

- **Draft a plan.** As a young attorney, I was a "spreadsheet master." I tracked my billable hours. I tracked my non-billable hours. I tracked my billings and collections. I even tracked the names and types of cases on which I worked. Although I did not fully appreciate my efforts at the time, I began to use that spreadsheet to develop a business plan. I was able to identify the industry experience I had gathered, the clients I needed to build stronger relationships with, and even the select one or two clients to avoid. From there, I was able to develop a list of goals and steps to achieve those goals. Although I am in the middle of my journey, creating a business plan has been one of the most helpful exercises in my practice;
- **Write something.** Whether it is for a trade association magazine, the local bar association newspaper, or even a client "alert" newsletter, you can begin to prepare for rain by writing something in your practice area. Some of the first articles I wrote were short, three-paragraph alerts that were sent to law firm clients. Since I had some experience with workers' compensation issues prior to law school, I wrote about on-the-job injuries and how to investigate complaints. Even though workers' compensation was beyond our practice services, the exercise was nonetheless rewarding because it helped me establish a discipline for writing;

- **Serve the community.** When I moved to Nashville a few years ago, one of the senior partners encouraged all the young attorneys to get involved in community service. His words were more of a challenge: “Not one of you is worth a nickel and not one of you will do it. But I hope you get involved.” Although my volunteer efforts were initially motivated by the challenge, I have been able to serve others who are less fortunate. At the same time, I have met and built relationships with some of the top community and business leaders in town.

If I had one final bit of encouragement, it would be to keep plowing ahead. You cannot be discouraged by the drought in either your legal career or your business development efforts as a young attorney. I remember the late nights as a young attorney. Often I would climb into bed with my wife and groan, “I can’t do this any more.” She would always whisper words of encouragement: “Honey, just a few more days and you will be prepared for this case. And when you win, we can go celebrate as a family.” Let me whisper in your ear: *Keep plowing, keep preparing for the rain...you can make it!*

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