

## Social Media Musings—Part Two

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### My Reflections on the Practice and Life

*By Frank Ramos*



*To Ana*

*You keep inspiring, I keep writing*

*To David and Michael*

*Never forget the power of music*

DRI

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# Acknowledgement

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To Rachel Rosenberg, thanks for organizing my random thoughts into this book. Without your help, this book wouldn't exist. We'll have to do it again in a few months.





## About the Author

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Francisco ("Frank") Ramos, Jr. is the Managing Partner of the Miami litigation boutique firm of Clarke Silverglate, P.A., where he practices in the areas of personal injury defense, product liability, employment and commercial litigation. He served on the board of the Defense Research Institute (DRI) and is a member of the Federation of Defense and Corporate Counsel (FDCC), where he served as co-chair of the Deposition Boot Camp, the Art of Marketing Seminar and the ACT Initiative. He is a Past President of the Florida Defense Lawyers Association and Past Chair of the Eleventh Judicial Circuit Historical Society. He has served on the

boards of the Miami-Dade County Defense Bar Association, FIU Honors' Alumni Association, FIU Alumni Association, Parent to Parent of Miami, Miami Legal Services and Florida Christian School.

This is Frank's 13th book. His other twelve books include—*Go Motivate Yourself*, *From Law School to Litigator*, *The Associates' Handbook*, *Attorney Marketing 101*, *Training Your Law Firm Associates*, *SLDO Strategic Planning Manual*, *Future of Law*, *Social Media Musings—My Reflections on the Practice and Life*, *The Practice and Process of Law—Checklists for Every Occasion*, *Be Your Own Life Coach*, *LinkedIn for Lawyers* and *Getting Published for Lawyers*. He has written over 400 articles and has edited five books—*The Defense Speaks*, *The Trial Tactics Defense Manual*, *The Deposition Manual*, *Leadership for Lawyers* and *The Public Speaking Manual*. Please follow him on LinkedIn, where he posts daily and has over 49,000 followers, or feel free to e-mail him at [framos@cspalaw.com](mailto:framos@cspalaw.com).



# Prologue

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For four years I have posted every day on LinkedIn. Each post is advice to lawyers about the practice and life. This is my second book containing a sampling of those posts. They are organized by topic. These posts served to focus my thoughts daily and have helped me reflect on what I do as a lawyer and how to do it better. I hope you enjoy the posts and I encourage you to follow me on LinkedIn where you can read new posts every day.



## Personal Strategic Planning

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OK, young lawyers—marketing on the cheap. I've posted about skipping lunch for coffee and writing handwritten notes on personalized stationary. Both are effective and both are inexpensive. What other cheap things can you do?

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Look out for free or cheap events for lawyers and professionals. Get out of the office, people!

— — —

Blog, post regularly on social media, or prepare an e-mail newsletter where you build a following and enlarge your network.

— — —

Start your own breakfast networking club where you reach out to lawyers you know from different specialties and agree to meet once a month at a local breakfast joint. Breakfast is cheaper than lunch and an early breakfast doesn't interfere with everyone's schedules.

— — —



Set a goal. Make a plan. Pursue the plan. If the plan doesn't work, change the plan, not the goal. Revise the plan. Pursue the new plan. If the new plan doesn't work, revise that plan again, not the goal. Lather. Rinse. Repeat. Failure is part of the plan. Success comes from tenacity.

— — —

If you're a young lawyer, this year you got pulled in a lot of directions. You may not have found enough time for yourself and your family. Do you and them a favor this week and sit down with them and make your year's plans early. Where do you want to vacation and for how long? Don't just plan the long trips. Plan the short ones too. The long weekends and the days at the beach, or hiking or whatever you all do. And get all of them on your calendar. Otherwise the end of the year may roll by and you'll be left wondering again why you didn't find time for yourself and your loved ones.

— — —

Buy a pocket journal, keep it with you, and be completely transparent with yourself when you write in it. This will help you figure out your career, your life and answers to the big questions.

— — —

There are no tomorrows.

— — —

I'm a big believer in reading a wide variety of books, both nonfiction and fiction. Reading different types of books, from different perspectives with different messages helps us develop our thinking, imagination and empathy. Currently, I'm juggling three books: *The Making of a Story*, a book on fiction writing, *Three Women*, a nonfiction book about female intimacy and sexuality, and *American Carnage*, a book on American politics, specifically the Republican party and the rise of Trump. These books couldn't be more different from one another. Get out of your comfort zone and find well written books that you wouldn't typically read and read them. It'll make you a better lawyer and advocate.

— — —

I coach young lawyers. I ask a lot of questions and offer little, if any advice. We all inherently know what we're good at, what our talents are, what we're passionate about and what our dreams are. Sometimes we just need someone to pull all of this out of us and help us figure out what we really want from life.

— — —

Birthdays are a good time to evaluate where you've come from and where you're going. I'm looking forward to my next revolution around the sun. We create our lives. Be proactive in creating yours.

— — —

Later often becomes never. There is only now.

— — —

Find an accountability partner who is as driven as you and meet regularly over coffee and hold each other accountable regarding your goals and plans.

— — —

For 1, 2, and 3Ls, develop the following relationships:

- Mentor. Find either a higher level law student or a young associate to serve as a mentor.
- Accountability partner. Have a class mate hold you accountable and vice versa regarding class work, studying, etc.

— — —

Periodically Google yourself. Know what others will learn about you if they research you online.

— — —

Put it on your calendar. You want to market more? Block off time on your calendar? You want to write more? Mark it on your calendar. You want to speak more? Set aside time on your calendar. If you don't carve out time for activities that haven't yet become habits, you'll have a hard time finding time to pursue them.

— — —

Starting and building momentum for a new project is hard. If you can make the time and can afford it, spend the weekend at a local, moderately priced hotel, by yourself, and spend the weekend getting that project started. You want to write a book? You can write 5,000 to 10,000 words in 2 days. You want to grow your book of business? You can write a personal business development plan that details to-dos throughout 2020 in 2 days. You get the idea. Create time by pushing everything off your plate for a weekend and make the most of that time.

— — —

If you're setting goals for yourself, affix deadlines to them. Open ended goals rarely get completed with any sense of urgency.

— — —

Every new positive habit starts with a decision. Today, decide.

— — —

Procrastination can be spurred by the size of the project you want to tackle. It's too big, so you find ways to avoid starting. To avoid this, break a large project into small, manageable tasks, and start with one of them.

— — —

Conversations are powerful. If you're thinking about next steps for your career, your firm, or your voluntary bar association, take out for coffee someone who's done what you hope to do and pick their brain. That 20 minute conversation may prove transformational.

— — —

If you want to expand your influence through your law firm website, blog or social media, consider purchasing some basic video recording equipment (camera, tripod, microphone, lighting, software) and start vlogging on legal issues relevant to those you want to reach. I'm in the process of shopping around for such items myself to start my own video series for lawyers. It's fun, it's powerful, and it's a great way to connect and reach out to others.

— — —

Personal strategic planning is essential to achieving your personal goals. If you're not planning and chasing your goals, you're likely, whether you realize it or not, simply working for others to achieve their goals.

— — —

Many of you young lawyers want to make a jump. You're unhappy. Dissatisfied. Frustrated. Worn down. Before you quit, consider doing the following. Promise yourself you're going to wait quitting for three months, and every night you are going to spend an hour working toward your dream job. You're going to study the area of the law. You're going to write in that area. You're going to grab coffee with attorneys in that area. You're going to spend 90 hours working toward your leap. At the end of the 90 days you may decide to reset and take another 90 days or you may decide it's time to leave. But those 90 hours can help you make the next step the right step for you.

— — —

When setting goals, there is a balancing act between setting them high and setting them too high. There is a difference between reaching just beyond our grasps and reaching for something so distant we abandon it as simply a fantasy. We must push ourselves, but not kill ourselves. We must do more, but not too much. The key is setting smaller, manageable goals, achieving them, and moving onto the next set of small, manageable goals.

— — —

Starting and building momentum for a new project is hard. If you can make the time and can afford it, spend the weekend at a local, moderately priced hotel, by yourself, and spend the weekend getting that project started. You want to write a book? You can write 5,000 to 10,000 words in 2 days. You want to grow your book of business? You can write a personal business development plan that details to-dos throughout 2020 in 2 days. You get the idea. Create time by pushing everything off your plate for a weekend and make the most of that time.

— — —

A key to financial investing is compounding interest. A key to personal investing is the same. Invest in yourself each and every day, and that investment will show returns—small at first, but eventually it will compound and the results will be significant.

— — —

Treat your career the way companies treat their corporate strategic planning—set goals, create a plan and deadlines to meet them and have an accountability partner to keep you honest and on track.



If you're practicing in one area and want to develop an expertise in a completely different one, set time aside each day and each week to learn about and speak and write in that area. Do that for a year and a year later you'll be surprised how much expertise you've built in that area and how much your reputation has grown in that area.





# Motivation

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Write down your goals. Keep them nearby and review them weekly.

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The dream spurs the goal which spurs the plan which spurs the action steps which spurs the action which spurs the daily effort. It's a funnel. You start with the big idea and you end up with the specific daily actions to achieve the big idea.

— — —

Everybody roots for the underdog. Everyone loves a Cinderella story. If you're a first generation lawyer, perhaps even the first from your family to graduate from college, and you balanced school and work and family and everything else life has thrown at you and you came out the other side with a law degree and having passed the bar with an Esq. at the end of your name, but you're wondering what's next, and the job offers aren't coming or the job you're at doesn't pay you enough or value you, know there is no better story than that of an underdog winning. Keep at it. Keep struggling. Keep hustling. Keep working. Keep sacrificing. Your day is coming.

— — —





There is much in our lives we cannot control. A death in the family. A sudden illness. A layoff. But there is so much we can control. Whether we go to bed early and wake up early. What we read. What we watch. What we put in our mouths. Whether we exercise. What thoughts we linger on and which ones we move on from. How we react. What we think. Whether we capitulate to fear or self doubt. Whether we accept ourselves and our flaws. If we can focus on what's in our control and make the most of our thoughts, decisions and actions, we can have the energy, reserve and fortitude to handle what's not in our control.

— — —

I've received a lot of questions by attorneys who work outside the US about becoming licensed and practicing in the US. Unfortunately, I don't know the process of how one applies to and transfers one's skills from another country to the US. What I have told the folks who have messaged me and what I suggest to you, if you have the same question, is the following:

- Email the admissions offices of one or more US law schools and ask them. They may be able to provide some guidance.
- Search out international voluntary bar associations and see if they have any information on the matter.
- Search any groups on LinkedIn or message boards online discussing this issue.
- Try searching online to see if there are any materials on the topic. There may be article or blog post explaining what you need to do.

If you have such questions, I'm not the person to ask. As you can tell by my "advice," it isn't much advice at all. I hope you're finding the answers you're looking for.

— — —

I know you have the talent, passion, and work ethic to make your goals a reality, pursue your purpose, and achieve your destiny. Take it a day at a time, an hour at a time. You got this.

— — —

Refrain from resolutions. Write down goals and a checklist for each. These individual tasks, or micro-goals, are more concrete and easier to pursue and achieve than broad, sweeping resolutions.

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Before you run off and do big things, think through what you really want to do, what you've always wanted to do, and come up with a plan. It'll be OK that one month comes and you're still planning. It'll be OK if you're still planning after a second month. Get the plan right and then roll up your sleeves and do the hard work.

— — —

Sometimes life deals us a setback so we can show ourselves we have the grit to come back.

— — —

Success is not built on big things. It's built on little things. Doing the little things, doing them consistently, doing them repeatedly, doing them well—that is the foundation for achieving great things. Writing a book starts with a word. Running a marathon starts with a step. Weight loss starts with a choice. Physical fitness starts with a push up. Every success is broken down into innumerable little steps. And those who don't succeed don't fail to do big things; they fail to do the little things. Take risks. Are they scary? Oh, definitely. You thought I would say no? You know what's scarier? Doing nothing. Staying put. Not taking chances. Will it be easy? Hell no. But what's the alternative?

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Today, focus on the “cans,” not the “can'ts.”

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Raise others up instead of tearing yourself down.

— — —

Stop saying you can't do something. Be honest with yourself and say you choose not to do it. There's nothing wrong with choosing not to do something. Saying you can't assumes you can't; assumes you can't make time for it, assumes you're incapable of doing it, and assumes you can't sacrifice to make it happen. You can't find time to exercise? You choose not to. You can't read a book a month? You choose not to. You can't draft a plan for your life? You choose not to. I'm not passing a value judgment on whether you choose or don't choose any of these items. I am simply observing the reality that not doing them is a decision. It is not a foregone conclusion.

— — —

The truth matters and those who pursue it make a difference.

— — —

Each of us has a drive and grit to pursue something wholeheartedly. For some, it's exercise. For others, it's work. For others, it's writing, or speaking, or leading. Identify the one thing you fight through the fog and distractions, you push past the discomfort and naysayers, and study why you have a passion for that one thing. Study why you are driven to do that one thing so you can evaluate for yourself whether that drive can be applied to other aspects of your life—whether your career, your health, or something else. You already have the drive—it's just a matter of redirecting it into other aspects of your life.

— — —

Each of us was born to be among the best at something. What frustrates many of us is that we're trying to be the best at something that we were not meant to be the best at.

— — —

Imagine it's Saturday. Beyond the chores and errands, beyond the relaxation and fun, carve out sometime today to move forward, even a tiny bit, on achieving one of your goals. Don't let weekends be a time when all forward momentum on your goals take a hiatus. Find some time, even a little time, to keep advancing.

— — —

Whether we say, "start with the end in mind," "start with the finish line," or "begin at the end," it's all the same advice—where will we be when it's all said and done? Take that advice literally—on your death bed, where will you be, and at that moment, before you take your last breath, what really mattered? How much of your life are you spending on what really matters? Start with the last breath and figure out what you're going to do with your life so you don't breathe your last breath with regret.

— — —

Stop saying you can't do something. Be honest with yourself and say you choose not to do it. There's nothing wrong with choosing not to do something. Saying you can't assumes you can't; assumes you can't make time for it, assumes you're incapable of doing it, and assumes you can't sacrifice to make it happen. You can't find time to exercise? You choose not to. You can't read a book a month? You choose not to. You can't draft a plan for your life? You choose not to. I'm not passing a value judgment on whether you choose or don't choose any of these items. I am simply observing the reality that not doing them is a decision. It is not a foregone conclusion.

— — —

Every day each of us has two forces pulling us in opposite directions—the flesh and the spirit. One wants us to sleep more, eat more, be entertained more, own more, buy more, consume more and the other wants us to sacrifice more, do more, push toward our goals more, be disciplined more. Those who succeed, who break from the pack, embrace their spirit more than they give into their flesh.

— — —

There are successful lawyers all around us. Some of them did great in law school and some did not. Some of them are extroverts and some are not. Some of them went to the best schools and some did not. Some had connections and some did not. Some have a plethora of skills and some do not. Don't reflect on what you don't have or what you lack. Other people, who don't have what you don't have and lack what you lack, have succeeded. You can too.

— — —

We can all be good at many things, but each of us was meant to be great at one thing, possibly a few things. Define what you are meant to be great at—see where your talents, passions and dreams intersect—and become great at it. I could be a good photographer. But I wasn't born to be a great one. Why

spend my time and energies becoming a good photographer when I was born to be great at something else? Define and chase that something else.

— — —

When we were kids we were told we could be anything and do anything we wanted. At some point we stopped being told this and we stopped believing it. Give yourself permission to be a kid again.

— — —

For some of you, life has knocked you down and tried to keep you there. But you're still standing. Understand that life did you a favor. Given the choice, most of us don't want to make the effort to get stronger. Most of us want to avoid the obstacles and the challenges and the failures we need to get stronger. But for those of you challenged by life, picked on by life, abused by life, understand that it has made you stronger. On its way to destroy you, life has made you the victor.

— — —

In order to be great at something you must accept that when you start something you'll likely suck at it. First, you suck. Greatness comes later.

— — —

Some people never try because they worry if they fail it'll prove they're a failure. By not trying they think, "well, maybe I am good enough. Why try and prove I'm not?" You know what, though? Do you know what happens if you don't try at all? Do you know what that proves? It proves that you don't believe in yourself. You don't believe in yourself to take a chance, to take a risk, to take a leap. I'd rather fail and have others think I'm a failure than never try and know each time I look in the mirror that I am, indeed, a failure.

— — —

If you're a young lawyer and you got fired, believe this—there is a firm, a company, a nonprofit, a something out there that may not have heard of you yet, may not know of you yet, but needs you and will be delighted when in a few weeks or in a few months hires you. You will find a home, and you will make a difference and what makes you You, what makes you different, and what made your last firm fire you. You will be what this new employer needs. How do I know this? Because I've had coffee with hundreds of young lawyers, and have spoken to hundreds more, and have texted and messaged hundreds more, and eventually everyone who was scared or worried or up against it found their place, found their foot hold, found their home. You'll find yours. Believe me, you will.

— — —

The external is not always in your control. The internal generally is.

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Your pain today will likely help someone get through their pain tomorrow. And odds are someone is helping you through today's pain because they

went through their own pain. That's how pain works. That's why it stays with us—to serve as a beacon for others.

— — —

Situations don't dictate your behavior. You do.

— — —

Why pursue your passion? Because your passion will inoculate you from the disappointment that accompanies failure and numb you to the pain each time you fall and have to get back up.

— — —

We never know how much time we have on this earth. We can't assume there are more tomorrows. If you have a goal, a dream, a vision—pursue it today.

— — —

Don't be so hard on yourself.

— — —

For some lawyers, the beginning of January can be a tad overwhelming. The holidays are over, billable hours start again at zero, and the pressure to advance your career at the beginning of the year feels palpable. Remember, that what you're feeling is just that—a feeling. The first weeks in January aren't all that different from December or August or any other month. Do your best. Move forward and you're going to do great.

— — —

We either move forward or fall behind. There is no stasis. The biggest lie we tell ourselves is that we are no worse off for doing nothing, that nothing is lost for staying put. If you view your life as a race, you appreciate that by stopping, by giving up, by choosing to do nothing, you're not simply standing still but you're actually losing ground. Yes, we all need rest. Yes, we all need a break from time to time. We all need family, and diversions and hobbies. But if you choose to not advance, you do not remain in the same place. You are worse off for it. Advance. Always advance.

— — —

You don't always get to choose what happens to you and you never get to choose how it ends, because if you did, it never would. Circumstances come and circumstances go. You are who you are by how you react to them.

— — —

Joy comes from identifying and pursuing your purpose. Others benefit from your pursuit because invariably your purpose goes beyond yourself and is focused on others.

— — —

Don't build yourself a ceiling. Surprise yourself with regularly outdoing and outperforming yourself. There are no limits. There are no lines you have to color inside. We let our imaginations be anchored by what others say

we can and can't do. Just try it. Take a chance. Take a risk. You're going to surprise yourself.

— — —

Life is generally not measured by the big things we do. Often, it is measured by the little things. The little things we do for loved ones and friends. More often, the little things we do for strangers. The innumerable little favors and compliments and assistance we offer each of our days. These things, these are the true measure of who we are.

— — —

Passion. It is integral, because without it you will walk away from the challenges and obstacles. That is why we must define what we're passionate about, because we will only give every ounce of what we have for what we are truly passionate about. You lack passion, and sooner or later, you will walk away. You have passion, and no obstacle or challenge seems too big. Each of us are passionate about something, and many of us are passionate about several somethings. Pursue that. Pursue something else and odds are you'll walk away.

— — —

You are not the college or law school you attended. I attended a state university that no one knew outside of South Florida. You are not what you own. I've never driven a new car. You are not the house you live in. I live in a working class neighborhood. You are what you give away. You are defined by how you help others, give back, pay it forward. You are defined by how you help others achieve their goals and dreams, achieve their purpose. Many of you didn't go to prestigious schools, own nice things or have the things this world use as metrics to define success. Throw out those metrics. Use the metrics that matter. None of them involve status, wealth, or stuff.

— — —

Art Blakey, a jazz drummer and band leader, was a leader in jazz who made other jazz leaders, who in turn made jazz leaders of their own. Whatever you do, lead and create leaders. That's permanence. That's immortality.

— — —

Self discipline, at its essence, tells us that success—however you define it—or winning—however you define it—is not an accident, it is not casual, and does not occur simply from willing it. If you want to succeed, you will need to discipline your mind and body and direct your thoughts and energies toward a goal and pursue it wholeheartedly. Self-discipline—in effect, self-sacrifice—precedes success. There would be more success if there was more self discipline. They cannot be separated from one another and belief in success without sacrifice is foolish at best and self-defeating at worst.

— — —

Obstacles appear in your life to overcome them. Pain appears in your life to learn from it. Failures appear in your life so you can ultimately succeed.

Don't be annoyed or disappointed or frustrated or angry over the bad things. Without them, the good things lose their value and meaning.

— — —

You have more fuel in the tank. Some who work out with weights keep doing sets by dropping the weights and repetitions they use until they literally cannot lift the bar any more. They squeeze out every ounce of energy and will force their muscles until there is nothing left. When chasing your goals, check to see if you have any gas left in the tank for the day. Writing a book? Can't stare at the screen anymore? Start journaling. Can't focus on writing anymore? Sit or lie down and think through what you're going to write next. You're going to sleep? Leave a pad and pen next to the bed in case you wake up from a dream with an epiphany. Squeeze out every ounce you got to reach your goals. It's like breathing. Find that one thing that is like breathing for you and don't stop breathing.

— — —

One way to evaluate your passion, commitment and interest in a project is to ask yourself—am I willing to wake up an hour early in 2020 to pursue it?" Want to work out? Want to write a book? Want to become an expert in a field? If you normally get up at 6, are you willing to get up at 5, to do it?

— — —

You're better off failing at your life than at succeeding at someone else's life. If you were born to conduct an orchestra, pour yourself into that life, and if you fail at conducting, you failed at what you loved and you'll be able to live with that and move on. If you were born to conduct, and I insisted you become a lawyer, even if you succeeded at law, you will never experience true joy, because you're living according to my expectations, not your purpose. Win, lose, or draw—live your life.

— — —

We build muscle by first tearing them down through lifting weights. Pain causes growth. Likewise, we often undergo painful experiences—a death of a loved one, illness, an end of a relationship—to grow and learn from and become stronger. If you're undergoing a painful experience, know you will come out of it and will come out of it stronger than before.

— — —

As we wrap up the first half of the year, there is still plenty of time to chase down the goals you wrote down back in January. You have another six months and six months is a lot of time. You can live a lifetime in six months.

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You have the time. If you want to do something bad enough, you will scrimp and save and find the time.

— — —

For many of us, we are the biggest obstacle to our own success. Most of us has something holding us back. For years, actually decades, fear held me

back. For you, it may be laziness, or self-doubt, or something else. But what if you're saying, "well, I don't know what's holding me back." Believe me, you do. Ask yourself what your big dream is. Then ask yourself what's stopping you. Your reason for not pursuing it reflects what's holding you back. If you respond—"what if I fail"—then fear is your obstacle. If you respond—"I don't have the time"—then laziness is your obstacle. If you respond—"I can't do that"—then self doubt is your obstacle. When you acknowledge you are your biggest obstacle and identify what's holding you back, you can seek the help to overcome it. And when you overcome it, the sky is the limit. I'm telling you, the sky is the limit.

— — —

Each of us is a Superman or a Wonder Woman. Each of us has the talent, passion, and dreams to do magnificent and wondrous things and impact others and the world for the better. And what often holds us back, sadly, is ourselves. Our fear. Our lack of confidence. Our laziness. Our lack of vision. Make today the day you create your origin story. Today can be the day you were bitten by the proverbial spider, or exposed to Gama rays, or walked through a nuclear mist and discovered you had super powers. You do, in fact, have super powers to transform yourself and the world around you. There is a Superman and a Wonder Woman and he or she is you.

— — —

Do you remember those who stopped trying? Those who failed and quit instead of giving it another shot? Those who walked away? Those who put off their goals and dreams? Me neither.

— — —

You can plan your life but you cannot plan for life. There will come a time that life will ambush you. It will corner you in an alley, pick up an empty bottle from the ground, smash it against a wall and try to cut your throat with it. It will leave you for dead there if you let it. It does not play fair. It does not play by the rules and it takes no prisoners. Expect the unexpected and no matter what life throws at you, know that it is not permanent, it does not define you and it will not destroy you. This too shall pass. As young lawyers, no matter how big the monthly loan payment, how poor the pay, how miserable the job, you will get through it. There is a light at the end of the tunnel. It may be faint. You may not see it from your standing. But it's there. It's waiting.

— — —

Don't underestimate the power of hard work—the power of putting your shoulder down, grabbing an obstacle, and putting your legs and back into it, and driving forward until you overcome it. Every day I interact with at least one person who doesn't work hard enough, who doesn't try hard enough, who doesn't put forth maximum effort, and yet they wonder why life is unfair, why they're stuck, or why their goals and plans and dreams aren't going anywhere. Do the hard work. Will hard work guarantee you get the results



you want? No. But you know what will guarantee that you will not get the results you want? Not working hard.

— — —

You won't change if you don't change. Setting goals but not changing behavior is a fool's errand.

— — —

Each of us is our worst enemy. If we can get out of our way, we can do amazing things.

— — —

One day, sooner or later, every shot life has taken at you will make sense, and you'll realize that every time you swore at life for almost taking you out that you should have thanked it for making you stronger.

— — —

We get so much more from what we give than from what we take. The paradox lies in the fact that the more we give away, the more we have.

— — —

Sometimes we think we need words of encouragement to motivate us. Ironically, sometimes words of doubt motivate us. Hearing others tell us we can't, we won't, we're unable, it's impossible, it can't be done—these negative words can push us more than any motivational speech, aphorism or saying. You say I can't? I will. You say I'm not smart enough, not talented enough, not skilled enough? I will. The doubters sometimes are our best encouragement.

— — —

Some treat the morning alarm as just that—a blaring noise that snaps us out of sleep and imbues in us some dread about the work and uncertainties of the impending day. For others, it's a starter pistol, that gets them to run the race for the day. They're out to win that day. And some even cheat, by setting that alarm earlier than most, so they get a jump on the day, on the race, and sprint out before the others even approach the starting line. Treat the morning alarm as a starter pistol.

— — —

There is no perfect time to start on a goal. That time will never come. The perfect circumstances will never appear. Start now. Right now. Even if it's just putting your toe in the water. Put it in and move forward.

— — —

You can't always choose what life throws at you, but you can always choose how to respond to it. There will be hard times. There will be challenges and obstacles. Life will be unfair, over and over again. You can respond with fear or with courage. You can respond by ignoring and avoiding what's in front of you or tackling it head on. Choosing to get up, again and again, and

refusing to quit, that response will make all the difference Irrespective of how bad things get.

— — —

At some point, sooner or later, the effort, the daily grind, the discipline of marching toward your goal each day, pays off. It could be your efforts to become a public speaker, a writer, a trial lawyer, or even getting into shape. The little things you did each day, the persistence, the effort, moving forward even though there were days the forward progress was imperceptible, pays off. There may have been a time you struggled with writer's block or personal insecurities that prevented you from putting 10 words on a page. Now you can write a 1,000 a day without blinking. The time will come that you will surpass terminal velocity, where what you do defies even the law of physics. And what's funny, when that day comes, you won't notice it at first. But sooner or later you'll look at what you're doing, look at yourself, look around and say, wow, so this is what it's like? Not bad. Not bad at all.

— — —

Don't say you're ready to try again if you fail, or get up if you fall. Say you will try again when you fail and get up when you do fall, because you will. Failing and falling and tripping and losing should be baked into the cake of your life. This "I may fail" language isn't real language because it assumes it may not happen, when it is a certainty it will and you have to appreciate it is a certainty and be prepared to accept it, embrace it, respond to it, learn from it, not dwell on it and move on from it when it happens.

— — —

Urgency is a matter of perspective. So many of us delay working on our goals because we believe we have a life time to accomplish them and define a life time as multiple decades. This perspective is counterproductive because having more time allows us to push off action. Stop looking at time through the prism of a calendar. Look at it through the paradigm of a stop watch. It just went off. Run.

— — —

When you quit, when you walk away, when you give up, you'll never know how close you got. You'll never know whether you were on the verge of a breakthrough, an epiphany, a solution, a victory. Yes, the goal may have yet still been far off. But, conversely, you may have been close to reaching it. By quitting, you'll just never know.

— — —

When life treated you unfairly when you were younger, it may have done you a favor now that you're older. As a child, if you, like me, grew up in a Latino home or another ethnic home where the language at home was other than English, and you and your family were teased and taunted for being different or foreign, today, in our multicultural society and worldwide commerce, you're bilingual and are sought out by companies and law firms.

If as a child, if you, like me, had few resources and little if any financial security, you learned grit and hustle, you learned to overcome adversity and obstacles. Today, challenges at work pale by comparison. If you grew up, like me, avoiding street gangs and avoided getting stabbed or shot, being a lawyer today, well, what can I say—you got this. The less you had, the more you struggled, the more adversity you faced, the greater the uncertainty you lived with, all those scars and broken pieces have made you strong for any struggle or fight ahead. It's easy to look back and be angry, or disappointed or ashamed or upset about our younger selves. Instead, realize all that pain and struggle made you whom you are today.

— — —

The first step. That first step toward your goal, whatever that goal may be, is a life changing step. Many will never take that step. They will talk about it. They will think about it, even obsess about it, but never take it. That first step is the biggest step you will ever take, because it sets everything in motion, and according to Newton's First Law, once in motion you'll stay in motion. That first step will lead to so many others and that goal of yours will get closer with each step. Stop thinking about it and take the first step.

— — —

Each day, we're at a crossroads. We either push forward or fall backwards. We either advance or we retreat. We fight or we surrender. Whether it's pushing your career to the next level, meeting your fitness goals, writing a book or public speaking, each day you're at the crossroads and you have a decision to make. It's actually an easy decision. If you quit, you'll never realize your goals. If you proceed, you're one day closer to realizing them. Make the easy decision, the right one, and press forward. You'll regret quitting. You'll never regret advancing.

— — —

I try to motivate and inspire through my posts. But I have to make a confession. I can't motivate others. None of us can motivate others. External motivations are transient, temporal, and ephemeral. They're like gossamer wings. Only you can motivate you. Lasting motivation is internal. Lasting motivations comes from the inside. Find your passion, dig a well into it, and draw your motivation, discipline and hard work from there. You're your own guru.

— — —

Every day, move the needle forward toward your goal, no matter how little. If you're writing 1000 words a day for your book and one day you can't write 1,000 words, write 500 words, or even 100 words or even 50. If you do 100 pushups everyday toward your health goal and one day you can't, do 50 pushups, or even 25 or even 10. Whatever goal you set for yourself, every day you move the needle closer to that goal, even if only by a tad. You either move forward or fall back. You have a positive day or a negative one. Always forward. Always positive.

— — —

If you're venturing on something new and novel, something different and unexplored, the odds are there isn't a path, road, or highway to follow. You'll have to forge, create, and lay your own path to your destination. What's exciting about that is that you're laying the path for others to follow and providing them a map to achieve what you plan on achieving.

— — —

If you're working out today, do one more set, one more rep. If you're writing today, write one more paragraph, one more sentence. If you're reading a book to improve yourself today, read one more chapter, one more page. It's not the number of pushups or pull-ups you do, the number of words you write or the number of pages you read. It's pushing yourself to do just a bit more than you can or that you want to do. That's where growth comes.

— — —

Ernest Hemingway wrote: *"The world breaks everyone and afterward many are strong at the broken places. But those that will not break it kills. It kills the very good and the very gentle and the very brave impartially. If you are none of these you can be sure it will kill you too but there will be no special hurry."* Let's focus on that first sentence. "...many are strong at the broken places." Whether it's a health issue, a death in the family, a loss of a job, a collapse of a firm, a divorce, when you make it out the other end, you're stronger for it and you can help others through what you went through. Sometimes we undergo painful things to help others get through those same experiences.

— — —

After life knocks you down, it's ok to get angry. It's ok to feel fear. It's ok to yell or to scream or to cry. Get it out of your system. Get it out of your system, shake it off and get up. Don't stay down. Don't ever stay down.

— — —

Each of us has a superpower. A talent we have to make this world better. Find it, develop it and share it.

— — —

"CAN'T." What a powerful word. Someone tells you that you can't, show them you can. You're too young. Too inexperienced. You don't understand. You don't know. You can't succeed. Show them you can. See the word "can't" not as an obstacle, but as a motivator.

— — —

Our society views hardship, pain and discomfort as things to be avoided at all cost. The problem is that when things are easy, we don't develop calluses, and we become soft. We don't develop the fortitude, will, and gravitas to face the tough challenges, and each of us will face them, one way or another, at one time or another. If you're going through a hard time now, learn and grow as much as you can from it. It may be providing you the strength and wherewithal for your next even bigger challenge.

— — —

Many of us think we're weak because we hit a wall, trip over an obstacle, push up against our limits and stumble, shed a tear, or even sob uncontrollably. That's not weakness. Pushing yourself beyond your comfort zone, doing new things, exploring risks, taking chances—that's not always pleasant or enjoyable, not something we always want to do. In fact, most of us won't. Many of us will never get upset or cry, or get frustrated or angered, because we never pushed ourselves to our plateau. But for those of you who do, keep pushing, because a plateau is just that, and there is so much more on the other side of the pain, frustration and tears. There is beauty and joy on the other side.

— — —

You have time. You want something bad enough, you have the time. You think you don't? Message, email, or call me and I'll find you the time. Watch less television. Spend less time on the internet. Spend less time on social media. Sleep less. I'm serious. If you can't find 5 hours each week in your schedule, reach out to me and I'll find you those 5 hours. 5 hours over 52 weeks is 260 hours. Imagine how much you could do with 260 hours? You have time.

— — —

There will never be a perfect time to start working toward your goals. Start now.

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Mistakes are owned and serve to teach. They're not excused nor blamed on others.

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Some think accomplishing your goals comes from doing big things. It doesn't. It comes from doing the little things, doing them well and doing them every day. Write a book? Write 500 words a day. Become a thought leader? Post every day. Impact others? Help someone every day.

— — —

There's no plan B. There are no tomorrows. There is plan A and there is today and there is you and as far as you're concerned, that's what matters.

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Before you change your circumstances, thinking another opportunity is better, first evaluate whether it is your mind and perspective that need changing.

— — —

Fail, smile. Fail, smile. Fail, smile. You're three failures closer to success. Almost there.

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Grit is having life say "no" to you again and again and believing you're one "no" closer to "yes."

— — —

Whatever you do, kill it.

— — —

My dad worked 80 hour weeks as a meat packer. My mom worked 60 hour weeks as a maid. He had a second grade education. She had a third grade education. They may not have had much schooling but they taught me the lesson of hard work. You may be smarter than me, you may have gone to a greater college, attended a better law school, but you will not outwork me. Make this your motto. You. Will. Not. Outwork. Me.

— — —

Persistence is power. Pursuing your goal every day, even if it's a baby step here and slight forward progress there, is powerful. It's the persistence, the dogged, relentless persistence that achieves the goal. Go to a river or stream, wade knee deep, reach down and pull out a stone and you'll find that the water running over it has smoothed out all the rough edges. One would think a rock is stronger than water. Throw a rock at someone, and you'll likely injure them. Throw a glass of water at someone and you'll just get them wet. But water, over time, can turn jagged rocks into smooth stones, cut through a mountain and tear down structures. It does this through persistence. Day in and day out, month in and month out, year in and year out, it imposes its will on rocks, trees, stones, and other objects which are much stronger than it. And yet, it prevails. It always prevails.

— — —

That firm that fired you, that opposing counsel who took advantage of you, that client who didn't pay your bill—they did you a favor. They showed you that life is unfair and they taught you that you can bounce back from anything. They showed you how resilient, how strong and how powerful you are.

— — —

For you who have gone through trials and tribulations in your personal life, you have the tools to handle the challenges that the legal profession—opposing counsel, witnesses, clients, judges—will throw at you. Instead of running in the other direction, you're accustomed to and expecting and are prepared for the storms and you're ready to square off with them.

— — —

The rule of the day: Do something every day, a little each day, and one day you'll look up and realize you've accomplished a lot. Write 250 words a day. Do 50 pushups a day. Go for a long walk each day. Read 30 pages a day. Big accomplishments start with small, daily tasks.

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Understand two things; that life isn't fair and that you're equipped to overcome how unfair it is.

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There are those who make excuses for outcomes they controlled and those that accept bad situations they had no control over. The former throws around the phrase “it’s not fair” even when fairness has nothing to do with it and the latter who don’t give a second thought to the phrase “it’s not fair” because they know the word “fair,” the concept “fair,” doesn’t exist.



Having attended parochial school and church, and having read Christian living books, I’ve heard and read all of the parables. I think anyone who has read them has his or her favorite and mine is the parable of the talents. The point of the story is that each of us has at least one talent. Some have more, some have many, and we are endowed with talents to cultivate them and use them to benefit others. The part of the parable that sticks with me, that always has stuck with me, is that there is a person who is given one talent and never uses it, and for that he is punished, because not using our talents is the biggest failure and shortcoming in our lives. Identify your talents, grow and develop them, share them and use them to make the world a better place. Go change the world.



Being lazy is the biggest obstacle we face to achieving our goals. I define lazy as not consistently and continuously improving ourselves. It is so much more than just putting in the hours at work. It is putting in the hours in ourselves.





## Professionalism

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Empty the pot, refill it. The little things we do (or choose not to do) define us. Life is made up of these little things. One's character is built or undermined by these little things. In my office, when I take the last cup of coffee from the coffee pot, I make a new pot. Always do the little things. Empty the pot, refill it.

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When law firms work toward diversity, they cannot ignore the racism and prejudice their diverse lawyers have experienced, both personally and what their parents and families have experienced.

— — —

Remember that none of us are self-made. We owe much of what we have to others. Surprise a mentor and send them a text or message thanking them for what they have done for you and your career.

— — —

Spend time today mingling with those that you'll want to work with tomorrow. In other words, if you're in law school, start volunteering at a local bar association for a committee that addresses the practice areas you're interested in, and start getting to know lawyers in that area. If you develop relationships with these lawyers now, they'll be more receptive to your resumes after you pass the bar.

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What you say and how you interact with others today will either lift them up or tear them down.

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The butterfly effect says that a small action can drastically affect an outcome. A butterfly flapping its wings over Tokyo can cause a hurricane in the Atlantic. The things we do—mentoring, helping, sharing, volunteering—these little things have a huge impact. I believe that wholeheartedly. You know why? Because I live in Miami and this is Hurricane Country.

— — —

Write down your values. Construct your personal mission statement. Craft a personal mantra. These will keep you grounded and focused.

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Treat others according to your values, not the world's.

— — —

Unfortunately, there are male attorneys who don't respect their female colleagues. If you're a male attorney and you see another male attorney saying or doing something inappropriate or disrespectful toward a female attorney, paralegal, or staff member, intervene. If you see something, say something, otherwise you're part of the problem.

— — —

Active listening is crucial for meaningful relationships. How do you know if someone isn't listening to you?:

- They don't look at you when you speak.
- They do something with their hands—play with a pen, their phones, touch or play with a surface with their fingers.
- They look away a lot.
- They don't ask follow up questions after you're done talking.
- They quickly change the subject after you're done talking.
- They interject non sequiturs.
- The only information they're seeking in the conversation is information they need or want.
- They make a comment or ask a question that you've already addressed.
- They don't retain anything you've said.

I do a little trick that tells me if someone is listening. I'll repeat something I said earlier in the conversation, somehow work a fact or statement I shared earlier back into the conversation and see if the listener reacts to it as if they heard it for the first time. Sometimes I'll raise the point again a day or two later and see if they remember hearing it. Why do I do this? Genuine relationships are based on active listening and understanding that

if something matters to someone else it should matter to you, at least it should matter enough to listen carefully and remember.

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Tip more. As lawyers, we talk about making a difference; changing circumstances, changing lives, changing society. Well, here is a very small way to make a difference. Tip more. I saw a recent viral video on how you can save \$400 a year by tipping less. How does the guy in the video do it? He simply tips less. Waiter and waitress jobs are tough jobs. They get paid terribly and they rely on tips to pay their bills, put food on their tables, and put their kids through school. Save money somewhere else. When you go to a business lunch or dinner, and talk about your firm, and the check comes around and you tip poorly, you give all us lawyers a bad name.

— — —

The best compliment I get is from others who tell me that no matter how they're feeling, I can always make them laugh. Comedy, humor, satire, laughing, joking—we often overlook their power and how they create instant and indelible connections between individuals. Try to see the humor in situations where humor is lacking and help others do so too. It'll brighten everyone's day.

— — —

If you're a young lawyer, at some point you may change firms, and if you do, you may well work with a recruiter. With that in mind, be polite to the recruiters that reach out to you today. You may need them tomorrow.

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There's a famous quote that reads: "*Beware the quiet man, for while others speak, he watches and while others act, he plans and when they finally rest... he strikes.*"—Anonymous.

— — —

There's something to be said about saying less and listening more, about speaking less and planning more and about letting others speak and learning from hearing and observing. As lawyers, our trade is to talk. Sometimes we're better off remaining silent.

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You want an ice breaker when meeting other lawyers at a conference or cocktail party? Ask them what they're reading.

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Understanding often comes from silence. While others talk, tell stories, focus on themselves—you listen, you observe, you take it all in, and you notice actions and reactions, what's said and what's left unsaid, what resonates and what is ignored, what truths are told and what lies are shared. Many of the observations I make here are born from staying quiet. If I had spent my years talking instead of listening and observing, I would have so little to say on this platform, so little to share.

— — —

Initiate conversations. When you're at a conference, cocktail reception or event, walk up to someone, smile, extend your hand, make and hold contact, introduce yourself and make small talk. Don't wait for others to introduce themselves to you. Take the initiative. Most folks welcome the smile and a person to talk to.

— — —

Write it down. Take a business card, turn it over, and write down the big thing you want to accomplish. Tuck it into your wallet or purse and look at it every day. That's the goal. Always keep it in front of you. Always remind yourself of it. Always have it close by. Never throw it away. Never forget about it. It's your compass. It's pointing north. Follow it to the destination.

— — —

Remember that none of us are self-made. We owe much of what we have to others. Surprise a mentor and send them a text or message thanking them for what they have done for you and your career.

— — —

Discipline. Decide upon a goal, develop a plan to achieve it and each day, each and every day, do something to fulfill your plan and achieve your goal. It's not sexy. It's not complicated. It's not a six point plan. It's just hard work, pure and simple. Welcome to the grind.

— — —

On our birthdays, we all receive our share of birthday wishes on social media. What if you received an actual signed birthday card? Wouldn't that stand out? For attorney marketing, buy birthday cards in bulk and send a birthday card with a handwritten note to your colleagues. They'll appreciate the gesture and remember you for it.

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In any service industry, and we lawyers are in one, when you make a mistake, address it immediately. Delaying a fix makes a bad situation worse.

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As lawyers, don't try to win at all costs. When you stop playing by the rules, you've forgotten the person you are and you've forgotten the profession. Don't be the lawyer equivalent of the Astros. Sure they won. So what? What did it cost them? What will it cost you?

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If you're climbing the ladder of success, and helping others achieve their purpose isn't integral in your definition of success, you've leaned your ladder against the wrong wall.

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Remember, an email to opposing counsel may find its way attached to a motion they file. Always be professional.

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Take some time this weekend and write some handwritten notes and send them out when you return to the office next week.

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Don't take for granted your attorneys and staff who have stuck with you over the years, and even the decades. They're the reason for your success. Thank them and thank them regularly.

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My wife's birthday is three days after Christmas. I laugh when certain folks act surprised even though I've told them this for 5 or more years running. Please listen to others. They remember when you don't.

— — —

If you're a young lawyer, you don't need the stuff. It's tempting after graduating from law school, passing the bar and landing a job, to buy or lease a fancy car, buy fancy clothes, join a fancy gym and sign a lease at a fancy condo. Don't. Just don't. It won't make you happier and no one cares, and if the folks you hang around with do care, find new friends.

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If you haven't already, remember to get your legal assistant a holiday gift. It doesn't have to be expensive or outrageous. It's a way of saying "thank you."

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There are no more secrets. Whatever you post on social media will find the light of day. As lawyers, what we post here on LinkedIn, on Facebook, on Instagram, on Twitter—that is a reflection on us, on our firms and our companies. The idea that there is a private us and a public us does not apply to social media. Post accordingly.

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When confronted with a situation at work—an emergency, a surprise, a difficult client—the first rule is derived from the Hippocratic Oath—first do no harm. Do not make a bad situation worse by jumping in and not thinking through the consequences of your actions. Get your supervising lawyer involved. Even if he/she will be annoyed, get them involved. Not getting them involved until after you make a bad situation worse will only make them more annoyed, and possibly downright upset.

— — —

A quality overlooked by many lawyers in leadership is empathy. Remember the last time you were in a tough spot, or in a pickle, or up against it and instead of receiving judgment, or frustration or intolerance you received empathy? Remember how you wanted to return the favor? How that fostered loyalty to that person? Be that person. Let empathy be your go-to reaction, not impatience.

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Stand up to bullies at work. There is a price for doing so. There is a bigger price for not doing so.

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There is power in our names. Use others' names more when speaking with them. It helps build connections.

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Whether it's a holiday or just a regular day, take the time to thank those who have made you and those you love whom you and they are. No man is an island and every one of us has others to be thankful for.

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Pay it forward. Someone helped you become a better lawyer. Do the same for someone else.

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When I started at my current firm on July 27, 1998, my boss, Bud Clarke, told me my cases were my responsibility. If something needs to be calendared, I can have a legal assistant do it, but it's my responsibility and if it wasn't calendared or not calendared properly, that was on me. No excuses. No pointing fingers. I was responsible for everything in my cases. 21 years later, that's still my mantra for my cases and for my life.

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Whenever someone at work is going through a difficult time—loss of a loved one, illness, divorce, etc.—ask yourself how you would want to be treated at work if it were you and act accordingly.

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## Leadership

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Five things you can do as a firm leader that don't cost anything which will instill loyalty in your attorneys:

1. Know your attorneys' spouses' and kids' names, their interests and regularly ask them about those interests.
2. Leave your office door open as much as possible and encourage your attorneys to enter and talk to you.
3. Visit your attorneys in their offices and ask them about their weekend and genuinely listen to them.
4. Talk to them about their favorite book, movie or television show.
5. Smile and regularly use humor in the office.

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If you're a firm and want to do an outing for your attorneys and staff, some reasonably priced, family friendly options include:

- Bowling
- Arcade/Laser Tag
- Miniature Golf
- Escape Rooms
- Billiards
- Karaoke

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Chase the impossible. If you lead an organization—a voluntary bar association, a non-profit, a charity—allow your imagination to reflect on what hasn't been done and do it. Who wants to do what everyone already has done? Where's the excitement to chasing the possible? Consider doing more than simply adding more CLE credit or changing the entree at the monthly luncheons from chicken breasts to beef tenderloin. Do you want to be remembered as Mrs. or Mr. Tenderloin? Or do you want to be remembered as being transformational?

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Make decisions. Yes, weigh the options. Yes, consider the pros and cons. But make a decision. Indecision is a weakness. Putting things off creates emergencies for your firms and voluntary bar associations.

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Take the time to listen.

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I have had the privilege of having coffee, speaking, messaging and texting young lawyers from all over and I'm surprised how often young lawyers seek advice to deal with work place sexual harassment and bullying. These are young lawyers from all different sizes and types of firms. If you're in leadership at your firm, make sure these issues are being addressed and prevented.

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The term "thought leader" is often misunderstood and maligned. Many firms don't recognize its importance and don't value it. In their defense, the word means so many things to so many. I like to think of myself as a thought leader in the areas of leadership, associate training, and mentorship. I've studied, written about, and spoken on these topics consistently for years. Developing and fueling a voice in a given area can lead you to become a thought leader and positively influence others in that area. Done strategically and consistently, it can lead to business referrals and influence among clients and peers.

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Have big conversations. So many of us spend so much time talking about small things—things we bought, vacations we're planning or returned from, stuff we want—and not enough time talking about big things—existential questions, provocative ideas and imaginative thoughts. Leaders think and talk about important things.

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One of the simplest things law firm leaders can do to promote loyalty among their young lawyers is to listen to them when they discuss their personal goals and interests. Really listen to what they enjoy doing and what they want to accomplish and follow up with them about it. Sincerely listening and caring about what your attorneys care about fosters loyalty and teamwork.

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Law firms who want to engage and keep young lawyers should do two things—provide them purpose and give them autonomy. We all seek a higher, greater purpose in our careers. Help your young lawyers find purpose in their work and in their lives. In addition to purpose, give them autonomy so they feel they have control over their careers. Autonomy depends on experience, but find smaller things wherein they can prove their autonomy and let them grow as soon as they are equipped to do so.

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If you're in law firm leadership, move beyond simple annual reviews and provide more regular, engaging feedback. Your attorneys crave it.

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# Business Development

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We can't change people. It rarely works, it's exhausting, and it's not our job. Anyone can change. But they have to decide. It's not up to us. When hiring at a firm or company, make sure those you hire share your firm's or company's values and principles.

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A law firm is a business and if you want to run a successful law firm you need to learn how to run a successful business. Study how effective, profitable businesses are run and apply what you learn to your firm.

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Firms and companies engage in strategic planning. Engage in personal strategic planning. Define your mission, vision, values, goals, and plan.

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There's a concept known as "freemium." You give away stuff for free to get something in return. Think about this very platform. Most of us don't pay for LinkedIn to use it, yet it generates a lot of money through ads and other services. Likewise, give stuff away (webinars, podcasts, articles, e-books) to develop relationships that will lead to business down the road.

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If you want to develop and grow your platform, consider developing your own website. I started working on one through the build-your-own-website service called Wix.

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We're all connected to our phones. If you're marketing, it should be mobile-friendly and centered on mobile platforms and avenues which prospective clients use and rely upon.

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If you want to be an effective marketer as a lawyer, you'll need to get out of the office, and if you do, you'll have to learn to be comfortable at events. How do you become comfortable? By going to events—lots of them. How did you become effective at taking depositions? By taking them—lots of them. Learning to be appropriately social at events takes practice.

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Develop the skill set to improvise—improvise when a case or life throws you a curve ball. Study jazz and comedy improv—artists who take risks, see potential, and create art in the moment.

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Saturday mornings are a great time to plan the coming week—in terms of work, in terms family and in terms of everything. Control you calendar. Don't let it control you.

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When you're online, whether here on LinkedIn, or Facebook, or Twitter, or Instagram, or any other platform, everything you post either builds your relationship with your followers or undermines it.

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Your firm has a brand and you have a brand and everything you share online builds or undermines those brands.

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Having a hard time getting your lawyers to engage in business development? Discuss concrete goals and give them the resources to pursue them. A concrete goal could be take a different colleague or possible referral source out for coffee once a week. That could be a requirement for all your lawyers. How do you empower them to do this? Allow each to come into the office late one day a week (due to the coffee meeting) and pay for the coffee meetings, or at least subsidize them.

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There are so many business books and we have so little time. I have some tips to get through them faster and not miss any valuable content.

- Read the Table of Contents carefully. This will reveal the book's theme and theory and will help you search it out faster and will help you retain it.
- Skip the anecdotes and quotes. I've read hundreds of leadership, business and self improvement books. I swear, I read the same anecdotes and quotes over and over.

- Understand that any business book could have been written in 20 pages or less. The best books have one thing to say. You don't need 300 pages to say it. Don't feel like you need to read every page to learn what the book has to teach.
- Not every chapter of the book applies to you. You can skip a chapter. It's OK. You have my permission.
- Think about the business books you've read. They're all laid out the same way: Author: I have a great idea. Let me tell you how I came up with it. Let me share with you endless anecdotes and studies confirming how great it is. Let me explain to you how you can apply it to your life. Oh, and this is how you know this great idea is working.
- All you need to know is what the great idea is and how to use it. You can get that in 10-20 pages from the book.

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How are voluntary bar associations going to continue making money? CLE? It's so cheap and readily available. CLE isn't the answer. Conferences? Fewer firms are sending lawyers to them. Membership fees? Firms are reducing and sometimes eliminating altogether memberships to voluntary bar associations. So what's the answer? Sponsors. There are a lot of companies out there who want access to your members. Seek them out. Your members are used to getting something for nothing in return for advertising—think Facebook, LinkedIn, Twitter, Instagram. Focus this year on signing up new sponsors who will create a good synergy with your members.

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My approach to life is to cast out multiple nets. Most won't catch any fish. If they all did, my ship would sink under the weight. I just need one big catch.

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However you choose to pursue business development, choose activities you enjoy, otherwise you won't stick with them. Find what activities and efforts overlap with your hobbies, interests and passions and stick to those activities.

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The economics of attorney marketing. A business lunch with a potential referral source can take 2 hours and cost \$60. A business coffee meeting can take 30 minutes and \$8. If you're a young lawyer trying to develop business on a budget with a tight schedule, invite others to your local coffee shop before the business day starts. For the cost of one lunch, you can have 7 coffee meet and greets and do them in the same amount of time it would take to go to two lunches.

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If you're promoting your practice either on LinkedIn or on another social media site, remember your goal is to build your platform so others can get to know, trust and like you and consider you when they have a case to refer.

The key to platform building is giving more than taking, and sharing more than asking.

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What if you're a young lawyer with a limited marketing budget? For \$500, you can market all year. Meet a prospective referral source once a week for coffee (\$8 x 52 = \$416) and write a personal handwritten note to a prospective referral source twice a week (cost of stationary—about \$80).

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Who doesn't hate malls decorating for Christmas before Halloween? They're actually onto something. Start thinking about gifts, cards and events your firm is planning for the holidays.

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Things your firm can give away to attract attention and possibly clients:

- Free webinars providing CLE and continuing adjuster credit.
- A podcast.
- Instructional videos for clients, covering such topics on data preservation, deposition preparations, etc.
- An e-book with checklists that talk a prospective client through all the steps of litigation.

■ ■ ■

## The Practice

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Create a process for case handling stress your firm that is easy to follow, transparent, efficient, effective, and that you can share with your clients. Adjust the process as you get feedback from your team as to how well it is working and how it can be improved.

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I find civil defense bar associations to be more risk adverse. They struggle with adapting to and responding to change. Being a civil defense lawyer I attribute that to our representing clients who are risk adverse. Conversely, I find bar associations representing the civil plaintiffs bar to embrace risk more and as a result, do some cutting edge projects. If you're leading a bar association, try to get the organization to be slightly less risk adverse and take chances.

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Why is diversity important to the legal practice? Think about how important diversity is to every aspect of the American life and experience. Let's take just one example. Imagine America without jazz?

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Life isn't always fair. The legal profession isn't always fair. One's career isn't always fair. One's firm isn't always fair. The judge isn't always fair. There is a blessing that comes with unfairness. It makes you stronger. It makes you wiser. It makes you grittier. It eliminates all the soft spots. It polishes off the weaknesses. It braces you for the storms ahead.

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So much of our practice is driven by economics. Look no further than the typical plaintiff's firm versus defense firm in personal injury cases. Plaintiff attorneys have financial incentives to keep costs and time on a matter to a minimum to maximize their ROI. This is reflected by Plaintiff firms having fewer attorney personnel and having greater reliance on staff. Conversely, defense attorneys get paid hourly, so their incentive propels them to have more lawyers and less staff. Clients are investing more time and thought to reducing their legal spend which may push defense firms into more of a plaintiff's firm model.

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Don't over-commit. You'll likely have your share of opportunities to get involved in various organizations, speak, write and network. It's easy to default to "yes" over and over. Pick wisely. Your time is valuable and you only have so much of it.

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Consider buying a paper calendar. Use it to block out dates for your vacations, business development conferences and trips, and any other commitments, family or otherwise. Then set deadlines for your year's goals, both short term deadlines and year-end deadlines. Having all this down on paper will help you visualize and plan.

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I hear so many stories from young lawyers who have bosses who don't understand how to deliver constructive criticism. Yelling, screaming, throwing things, insulting, berating, belittling (yes, apparently this happens a lot—you should hear the stories) is toxic for a firm. I don't care how much a lawyer is making your firm, if he/she is behaving this way, intercede and make it stop. If you know this is happening, and you don't intervene, you're part of the problem.

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We underestimate how much of what we do as lawyers is process oriented, can be recreated, taught, and improved. There is a process to drafting and responding to a complaint. There is a process to developing a case strategy. There is a process in taking and defending depositions. Work with your firm so it develops processes and teaches your team these processes.

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If you recently passed the bar and are working at a law firm, get used to these phrases:

- "At the end of the day"—What matters is what happens at the end of the day, which is what I'm about to say after this overused phrase.
- "We must move the needle"—We're here. We need to be there. Move the needle to get there.
- "You will ride herd," "take point"—you're stuck with this mess. Clean it up. I don't want to be bothered.



- “Let’s pursue the low hanging fruit.”—There are obvious things we’re not doing.
- “Be a thought leader.”—Aren’t we all thought leaders? Aren’t we?
- “I have a narrow bandwidth.”—I don’t care what you’re saying right now.
- “We need a paradigm shift.”—Whatever we’re doing, sucks.

Welcome to 1984, folks.

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A few tips for young lawyers when billing clients:

- If you’re going to charge a flat fee, be explicit what services you are providing for that fee.
- If you’re charging by the hour, explain what services you’re going to charge for. For example some clients will call you regularly and may not appreciate they need to pay for your time on the phone.
- In your written retainer agreement, be as explicit as possible about what services you’re providing and what you’re not.
- Ask for a retainer. Retainers are very telling because if a client argues about paying your retainer, he’ll likely argue about your invoices. For larger cases (non contingency) you’ll likely ask for a larger retainer. Ask lawyers that do what you do in your legal community what their retainer requests are. Most may not share the info, but you may get one or two attorneys willing to share their billing and retainer advice.

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If you’re a young lawyer, create a tribe. Reach out to 3 or 4 like minded young lawyers in your community and set aside a weekly coffee meet and greet. Not everyone has to (or can) make it every week but it’ll provide a forum to help each other and lift up one another.

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If you’re a young lawyer, write down on a Post-it what you’re most proud of and stick it to your monitor or on your desk. As you tackle the year, that Post-it will remind you that you can indeed do great things.

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As a young lawyer, you will have bad days. Your email to a client or opposing counsel may cause waves, you may get a draft back from a supervising lawyer dripping in red ink, you may take too long on a project, or you may lose a hearing. It’s ok. Yes, it feels bad. It sucks. But it’s going to happen. Learn from your missteps, don’t make the same mistakes and move forward.

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A little financial advice for young lawyers. There is positive spending and negative spending. Spending on books, classes, courses, memberships, functions, conferences and the like to make you a better lawyer is money

well spent. You're investing in your career. Spending money on status—a huge house, a fancy car or an over-the-top vacation simply as a reflection of who you are or as a symbol of your status—is not money well spent. I'm not suggesting you shouldn't have nice things. I'm saying ask yourself why you want to buy something extravagant. Spend money on the things that last, that make you better, that improve your career, health and well being. Everything else is noise.

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During your career as a lawyer, one or more supervisors along the way may tear you down, may belittle you, may insult or undermine you. I'm not talking about constructive criticism, which we all need and from which we can all learn. I'm just talking supervising attorneys behaving like jerks. Understand that their behavior and words are not a reflection on you, but on them. They are small, self-centered, egocentric, and they build themselves up by tearing you and others down. It's hard to leave those comments and interactions in the past, but leave them behind you must. Don't let those interactions define you, weigh you down or color your perception and view of yourself. You are so much more and so much bigger than that.

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As lawyers, we solve problems, and an often overlooked skill is connecting folks we know. A person we know in Orlando has a common interest with someone we know in Seattle. They don't know one another, but you know both of them, and they would work great together if only you put them in touch. Bringing the right people together on the right tasks, assignments and projects is a way you can solve problems and help others.

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If you're a young lawyer, try to read one book a month on any of the following topics: leadership, communication, management, self improvement, or writing. If you read only 10 pages a day, you can read a book a month (most nonfiction books these days run 300 pages or less).

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Billing is tricky. It's an issue that gets even some senior lawyers in trouble. Think through your case, evaluate the cost and investment and have an honest discussion with the prospective client.

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If you're a young lawyer, be able to explain your practice areas and geographic area in as few words as possible. For example, I say, "I practice commercial, product and employment litigation in South Florida." And if you practice in multiple areas, keep it to the top three when introducing yourself.

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To all you new lawyers who passed the Florida Bar, welcome to the club. Now you get to suit up like the rest of us. Do yourself a favor. Get yourself a versatile wardrobe, but spend wisely. Look for sales, last season's fashions



and online deals. I've been getting my suits lately through a website called Brad's Deals, where I receive regular emails about online specials. Notified of clearance sales at Macy's online, I bought 2 suits and 2 sports coats for \$300. And yes, I look quite dashing in them.

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The more I speak with other lawyers, the more I realize that we all share first principles, a set of rules, a body of wisdom—a code—and that the sooner each of can recognize, understand, accept and live by them, the less we will get in our own way.

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## Law Firm Management

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As a firm leader, understand that compensation drives Incentives, so whatever measuring standards you're using to determine compensation, those standards will drive behavior. Don't expect collaboration or community involvement from your attorneys, if you're compensation structure doesn't take them into account.

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If you're a firm leader, combat imposter syndrome among your associates by acknowledging and praising their accomplishments. I'm not talking about empty words. I'm not suggesting participation trophies. Simply acknowledge a job well done and don't only point out the mistakes.

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When hiring, ask candidates about a project or pursuit they stuck with for months or even years. Working hard, consistently, over time, and not allowing obstacles or challenges to derail or stop you, is a skill set you need for your team.

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If you're a firm leader, acknowledge your own history with imposter syndrome with your associates. I started writing legal articles in 2001 because I viewed myself as a fraud, 4 years into the practice. Through writing, I proved to myself and showed myself I was anything but. If young lawyers hear you felt the way they feel now, it will help them deal with their imposter syndrome.

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Firms can do their part to address mental health issues in the practice—legitimately be concerned for your attorneys. Those in leadership and in power at firms have to carve out time to engage with and be concerned for those in the ranks. We lawyers keep trying different programs and approaches and it doesn't seem mental health issues among lawyers are improving. You're a law firm leader and you want it to improve? Authentically care for your lawyers.

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If you think your firm is too small and is flying under the radar for hackers, and that it'll never happen to you, you're playing with fire. Every firm has an obligation to protect itself and its clients' data and documents from nefarious third parties.

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Your team has to be made up of people who don't let failure define them. When hiring, ask prospects if they've ever undertaken an activity consistently and regularly for over 3 years. It could be working out, it could be writing, it could be leading an organization. What impresses me is someone who commits to doing something and three years later, is still doing it.

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If your firm has a large caseload, seek regular feedback from your team on how the matters can be handled more efficiently, more productively and what procedures and steps can be implemented to secure better results for the client.

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Do you want to teach your lawyers how to treat your firm's clients? Treat them the way you want them to treat your clients.

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Your law firm receptionist is one of the most important members of your team. Think about it. Have you ever called a dental office, a doctor's office, or an accountant's office, and had a receptionist be rude or incompetent, hang up on by mistake, or unable to answer a basic question? Train your receptionists well.

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If you're a firm leader think about what is coming to disrupt the legal industry. What's the legal services equivalent of:

- Amazon disrupting retail;
- Netflix disrupting movie rentals;
- Uber disrupting cab companies;
- Airbnb disrupting the hospitality industry;
- Apple music disrupting the music industry;
- Skype and WhatsApp disrupting long-distance calling?

Every industry thinks they're immune to disruptors until it happens to them and then it's too late. Plan ahead.

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If you manage a firm, insist that every attorney maintain a case list and review it weekly to ensure nothing is falling through the cracks. If you have a large case load, it's easy to forget about an inactive case and not be proactive on it.

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Successful law firms generate, evaluate, and embrace a plethora of different and imaginative ideas. How do you create an environment that generates a wide spectrum of ideas? Hire diverse lawyers. Promote diverse lawyers.

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Some firms struggle with marketing because they don't know who they are. A firm should first define its purpose—its mission—how to achieve it—its vision—and its principles for achieving its purpose—its values. Once a firm defines its mission, vision and values, it can proceed on constructing its marketing based on that foundation.

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Law firm leaders identify the talents and strengths of their lawyers, empower them to develop these talents and strengths and help them find their best use both to benefit the individual lawyers and the firm.

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If you're having a firm party, keep the following in mind:

- Don't over-serve.
- Facilitate safe rides home.
- Keep in mind food allergies.
- If you're inviting clients, make sure your attorneys and staff know and have been briefed about any client pet peeves.
- Have fun.

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If you're a firm leader, motivating your attorneys starts with identifying your firm goals, identifying your individual attorney goals and determining where the firm goals and their individual goals overlap and focusing on that.

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When posting a job opening as a law firm, address your firm's mission and values to attract candidates that fit your firm culture.

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As a law firm leader, whenever an attorney leaves your firm, do the following:

1. Find out why they are leaving. You want to address any issues that may cost you additional talent.

2. Work with the exiting lawyer to facilitate the transition of their matters to others at your firm.
3. Notice and assess patterns. If the same partner can't hold onto an associate, address the issue with that partner. If that partner churns and burns associates and you let them get away with it because they make you a lot of money, shame on you.
4. Stay in touch with lawyers who leave. They may refer you and your firm cases one day and more importantly, it's the right thing to do.

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If you're a firm leader and have been tasked with leading the firm's efforts in business development and marketing, your first task is to explore your attorneys' tasks and passions, because you will only get them to engage in marketing activities they enjoy and are passionate about.

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If you're a managing partner of your firm and want to jolt your firm's business development, have the firm provide each lawyer a \$250 Starbucks gift card and ask them to take a potential referral source out for coffee at least once a week.

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For firm leaders, there are inexpensive gifts you can buy your lawyers that will show you're vested in them and will develop their creativity, a talent often overlooked but crucial for lawyers:

- Books
- A journal
- A sketch pad and charcoal pencil
- Tickets to the local museum

Sometimes a "just because" gift builds loyalty and spurs imagination.

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Law Firm strategic planning—decide on a date early on in the year to have a daylong firm retreat to address:

- Firm mission, vision and values
- Firm goals
- Plan to achieve the firm's goals consistent with the firm's mission, vision and values
- Individual attorney marketing and business development plans
- Accountability

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We will walk away from jobs and from firms and from companies and from bosses, but most of us will not walk away from meaningful relationships. If you're a firm leader, and you want your associates to stay, develop

meaningful relationships with them. If you're vested in them as people, they will be vested in your firm.

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Darwinism is based on the premise that those who adapt to change survive. If your firm isn't adapting to the changes in the legal field, particularly legal tech, be prepared to go the way of the dodo.

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What's an alternative to paying headhunter fees for lateral hires for your firm? Pay finder fees to your attorneys who recruit new attorneys. You can pay them a lot less than you pay recruiters for quality candidates they know personally.

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For you lawyers who supervise, manage, lead, and oversee other lawyers, it is easy to express and project your fear, anxiety, frustration, anger, and your baser feelings on them. We've all had a boss who has done this at some point. We who supervise others have all been guilty of doing this at some point. For those who do, and especially for those who do it regularly, let me focus your attention on not what you're doing to that associate but to what you are doing to yourself. Each of us grows or dies with each decision, each choice, each reaction, each omission. Each of us builds or tears down our character each time we interact with another. Each of us becomes better or worse, stronger or weaker, eternal or temporary, by how we treat those we can treat poorly with little or no consequence. Every time we insult, we belittle, we lose our patience, we ignore, we focus solely on ourselves—we hurt ourselves, even destroy ourselves a bit, in the process. If you can't be kind to those you supervise for them, then remain selfish, and do it for you.

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You think your firm is too small, too insignificant, and has too little value and revenue to attract hackers. The problem with that analysis is that hackers don't know this until after they have hacked you and turned your firm upside down.

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Effective case management is crucial for case handling. A process oriented system which reminds you of your options during each step of litigation and does so timely, can set your firm apart and improve quality, efficiency and income.

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I can't believe I need to say this, but if you supervise lawyers at your firm, please do the following:

- Ask them how they are and listen.
- If they volunteer a health issue they are going through or a loved one is going through, follow up, express concern and provide reasonable accommodations.

- Ask them about their hobbies, family, their kids and kids' accomplishments.
- Be concerned about them as individuals, beyond their billable hours.

If you're a firm leader and you're not doing these things and are wondering why you're having retention issues, you're part of the reason and part of the problem.

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Successful firms have protocols, work flows and checklists for their cases. If your firm regularly handles the same types of cases, sit down with your team and decide upon a step by step procedure to handle the common issues and problems in your matters and implement this process to improve quality and increase efficiency.

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Invest in your team. If you don't take an interest in them as individuals don't expect them to take an interest in your firm's mission and goals. I've stopped being surprised by bosses who complain about their attorneys and staff but haven't taken the time to get to know and support them.

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Someone at your firm should be responsible for preserving its history. Key documents, photos, mementos—they should be kept. They'll prove useful to remind you where the firm came from and where it wanted to go.

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## Volunteering for Voluntary Bar Association

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If you're leading a voluntary bar association, you're juggling a lot of different members' interests. You have different generations with different needs, those who practice in different areas with different needs and other competing interests. Find ways that your organization can meet each group's needs head on as opposed to trying to sort of meet everyone's needs and end up meeting no one's needs.

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If you're a lawyer, it's likely at some point you're going to run for a leadership position in a voluntary bar association. If you lose, don't let it define you. Having a title, in the grand scheme of things, isn't all that important. Titles don't define us. Winning doesn't define us. The journey, the effort, the drive, the grit—even in the face of (especially in the face of) failure, defines us, builds us and elevates us. Sometimes losers are the biggest winners.

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December is a great month to network. Many voluntary bar associates and trade organizations have holiday parties that are free or inexpensive to attend and everyone is in the holiday spirit. See what activities are occurring in your neck of the woods and RSVP to one or two of them.

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You're a voluntary bar association looking for a big name keynote speaker but don't have much money to spend? How about former governmental officials who have joined private practice and are looking to attract clients? A former US attorney, a former regulatory chair, or former congress person?





They're in private practice now, they're looking to attract work and speak in front of potential clients, and an invite to your event may be the very thing they're looking for and they would be happy to do it for the cost of airfare and a night's hotel stay, sans the speaker's fee.

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We lawyers, we need community. We need to foster and build relationships with other lawyers who know our struggles, challenges, and obstacles, and can hold each other up and support one another. Get involved in a voluntary bar association that meets your needs and wants and get to know others in the profession. You will make lifelong friendships and learn more about yourself and who you are.

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When I have a big idea for a voluntary bar association, I search out a voluntary bar association interested in it. When I hear "no," from a voluntary bar association, I don't interpret the rejection that I shouldn't pursue the project. I interpret it to mean that I won't be pursuing it with them.

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A great way to be recognized as a young lawyer is to write an article for a voluntary bar association, trade organization, or business publication. Keep the article short, to the point, conversational, and make sure it is well researched and accurate.

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If you lead or run a voluntary association, you must innovate. Doing the same over and over is a recipe for less members and less member participation. Evaluate potential ideas, test them on a small scale; if they work, expand them, and if they don't work, move on.

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When attending voluntary bar events, act like a host and not a guest. Make others feel welcomed, introduce yourself, make small talk, and make introductions. Even if you're not hosting the event, acting like a host facilitates connections and communications.

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When joining a legal organization, get involved, don't simply join. And volunteer for the project or activity no one else wants to do and do it well. Your efforts will be noticed.

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Your voluntary bar organizations are only as good as the volunteers who sacrifice for them and for your members. Make sure your organization is identifying and encouraging today's and tomorrow's leaders and equipping them to serve better.

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## Future of Law

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Don't get upset that technology and trends are making some legal tasks fungible. Focus on what you can control and focus on those tasks that need to be done by real lawyers with real expertise.

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I've been reading books on platform building, and I believe that the lawyer, law firm, or company who can build a platform that connects corporate clients with law firms with the right expertise and price point will reinvent and forever change business development among large and mid-sized firms. Client asks for a firm who can handle case X with expertise Y for price point Z and platform ABC provides one or more firms that meet that criteria. This is coming. You watch.

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Some say AI will replace lawyers. Some say it won't. More likely, attorneys who use AI will replace those who don't.

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Law firms are poor at changing behavior. Firms have tried to improve associate retention. They've had marginal success. Firms have tried to improve diversity. When it comes to partnership ranks, especially equity ranks, firms have had marginal success. Firms have tried to combat addiction, divorce and mental health illness among their ranks. Again, marginal success.



I don't have answers to these issues. I can simply point out that whatever we're doing, it's not working.

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Teresita Chavez Pedrosa made the point that as AI takes over more of our left brain activities as lawyers, we will need to distinguish ourselves by relying more on right brain activities—more creative, imaginative solutions—for clients which computers aren't equipped to do.

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What will the hot legal areas be in 2020? My guess is:

- Cyber Security and Data Breach
- Genetic Testing
- Sex Trafficking as it relates to Premises Liability
- Privacy

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Entrepreneurs see a need and meet it. As lawyers, we need to predict needs in the legal market and meet them.

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## Mentoring

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You want immortality? Mentor.

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When I was in law school, I wrote 100 letters to leading attorneys in Miami, asking that they mentor me. Two responded and became mentors of mine. I ran into one of them, Dan Beasley, today, at a conference I was speaking at. We remembered our mentoring lunches fondly. Always pay it forward.

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We all have someone who took the time to mentor us and are responsible, in some part, for our success. Pay it forward by mentoring others.

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No matter who you are, you can be another's mentor. If you're an associate, you can mentor a less experienced associate. If you're a brand new associate, you can mentor a law student. If you're a law student, you can mentor a college student. Everyone needs a hand and you can be that hand.

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If you're a young lawyer, you need a mentor in your backyard that practices in your area of practice or in the area you want to practice in. That attorney will know better than most how the practice works in your city or town or county and will have the expertise about the practice area that interests



you. So first, identify lawyers who fit those criteria. Then reach out to them and offer to help them—help with whatever extra-curricular activities they’re working on—an article, an event, a presentation—and in return ask them to have coffee with you and share their wisdom with you. Mentoring relationships are reciprocal—you give to get—and if you offer to help, you’re more likely to receive help in return.

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As a young lawyer, you have so much to offer and there are so many ways to give back. If you can find and make the time, mentor a law or college student.

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If you know someone in a tough situation, take the time to take them out for coffee and help them. I meet with young lawyers every week and have been doing it for years. If you have enough time to comment on my post, you have time to take out young lawyers for coffee.

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One of the hindrances to effective mentoring by experienced lawyers is the time commitment. I think, though, that many experienced lawyers overestimate the time commitment because they spend too much time talking about themselves, their experiences and their war stories. We lawyers trend toward loquaciousness and extrapolate that behavior to mentoring relationships. Young lawyers don’t need you to talk so much. Get to the point. I can tell a young lawyer how to take a treating physician deposition in five minutes. If you get to the point with you mentees, you’ll find it to be a more productive relationship and a more efficient one too.

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Identify an attorney you admire, ask her or him out for coffee and find out about her or his success. They may say no. They may never respond to your inquiry. But if they say yes, those thirty minutes may change the trajectory of your career for the better.

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After all these years, I still remember my 6th grade teacher, Ms. Roeper, who encouraged my love of writing and storytelling. She passed last year, but she lives on through her students, like me. You want immortality? Teach, mentor, and encourage others.

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If you want to be a trial attorney GOAT (greatest of all time), identify the best trial lawyers and ask them how they did it. When I was younger, I reached out to Ervin Gonzalez, one of the greatest trial lawyers ever. Though we were on opposite sides of the “V,” he told me what he did. He was generous and gracious and opened my eyes to what to do and what not to do to win. So seek out the GOATs and ask them how they became GOATs.

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If you're an experienced lawyer, mentor a young lawyer. If you're on LinkedIn, post about seeking a mentee. If you're at a firm, volunteer to mentor an associate. If you belong to a legal organization, help one of the younger members. We all need a hand. Be that hand.



Search out the lawyers in your geographic area that practice in the area you want to specialize in and ask them for coffee to pick their brain. Many will say no or never respond. If they do, study their firm profile and any articles by or about them. You'll learn what they've done to get to where they're at.





## Confidence

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If you're a young lawyer and struggle with self doubt, remember:

- You graduated from college.
- You did well enough on the LSAT to get admitted into law school.
- You graduated from law school.
- You passed the bar.

Many can't say that. You're not an impostor. You got this.

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Do not underestimate what our body language conveys to others. If you want to convey confidence, your body language has to express it. Make eye contact. Shoulders out. No slouching. No aversion of the gaze. Take up more space with your legs and arms and hands. Own your space. I'm not tall—five foot nine—but I stand the full five foot nine and then some. Stand like you're the tallest person in the room.

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We jump to so many conclusions when we hear someone. Take the time to read a book, watch online videos, or take a voice lesson to make your voice more confident and powerful.

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Confidence is the best outfit you can wear as a lawyer.

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As young lawyers, remember the obvious—you earned a bachelor's degree, a law degree and passed the Bar. Many never tried and fewer accomplished what you did. Those successes put you in a unique position to determine your purpose and destiny. Whenever you feel overwhelmed or anxious, remember those three accomplishments and plot a path forward for your personal success.

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As a young lawyer, you may have moments of self doubt. Here's an exercise to counter that. Find a photo of yourself being sworn into the bar or graduating law school. Keep this photo easily accessible on your phone or at your desk. Look at the photo. You looked confident. You looked ready to take on the world and save the universe. You're still that same person. Never forget that.

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When I was in law school, most firms turned me away. As a young lawyer, most firms turned me away. Fast forward. I've been practicing for 22 years and I do what I love. Don't let rejections define you and don't let them stop you.

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For those of you who just finished taking the bar, congratulations for finishing law school and tackling the Beast known as the Bar Exam. I wish you the best when you receive your results. You have made a lot of personal sacrifices to make it here. Never forget that.

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What you consider a weakness may be a strength in disguise. I have OCD. For some, it's disabling. For me, it allows me to see patterns and details most ignore and reduce so much of what we do as lawyers into processes that I and others can replicate, which improves quality control and efficiency. Obsessing over the minutiae most everyone else ignores has made me a better lawyer. You may be shy. How are you going to build a book of business if you're shy? Well, you know what shy people don't do? Talk much. Do you know what they do? They listen. If you're a good listener, you're going to build meaningful relationships that will blossom into referrals. If you're an extrovert, you may talk too much, make the conversation about you and never build a relationship that will last and bear fruit. So, look at you're perceived weaknesses through a different prism. Our imperfections make us perfect.

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Face your fears. By doing so, you won't make that thing less worthy of fear. You will make yourself more courageous.

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The journey toward one's goals is more important than achieving the goals. The effort, the self discovery, the work, the push, the failures, overcoming the setbacks—that's where we find ourselves, discover ourselves, learn who are we and what we're made of. It's always journey, not the destination.

— — —

Big things start as little things. The marathon runner who was gasping on his first run to the corner of his block, the novelist who started with a blog, the leader of a national organization who began as a greeter at local events. Start small. The snowball will roll down the hill and get larger. You'll have yourself an avalanche one day.

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You learn so much as a young lawyer. Young lawyers sometimes focus on what they don't know. But you have come so far already. Take time this week to write down what you learned this year. You'll surprise yourself.

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If you're a young lawyer, you have a lot to be proud of. You graduated from college. Graduated from law school. Passed the bar. You've sacrificed a lot to get here. And here for you may not be where you had hoped to be. But you've already proven them wrong. You have gotten this far. You'll get to where you wanted to. You'll reach the Promised Land. We all have to spend time in the desert. Sometimes a little time. Sometimes a lot. But if you keep at it, you'll arrive at your destination. Best of luck to you. Here's to making it your year.

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Many of us learned confidence in grade school. I attended a Catholic elementary school in Chicago. Our principal, Sister Emily, insisted we do the following. If she caught us breaking any of the following, she disciplined us:

- Always maintain good posture.
- Always look ahead or up, never toward the ground.
- Shake hands firmly. Hold the handshake. Have the other person pull away first.
- Always maintain eye contact. Never break eye contact first.
- Smile.
- Walk with large, broad steps. Don't swing your arms.
- Don't chew gum.

She would say confidence isn't based on age or size. It's internal and expressed through the way you carry yourself. Carry yourself always as if someone is watching and judging your level of confidence.

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Without confidence, you try to edge your way into conversations, or avoid them altogether. With confidence, you are the conversation.

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Keep track of your accomplishments as an attorney. This helps with your confidence, landing a new job, and securing a higher salary or raise.

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What's the skill firms do a poor job teaching and many lawyers lack? Confidence. Yes, confidence is as much a skill as it is a trait. Yes, you can teach it. Yes, firms do a terrible job teaching it. And yes, developing it makes the difference between winning and losing cases and clients.

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We all need someone to tell us we have what it takes. Be that person for others. Confidence is key to success. Foster confidence in others.

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As a young lawyer, starting out at the bottom of the hierarchy at your law firm, particularly if it's at a large firm, can undermine your confidence. Know that your value is intrinsic. It is not based on your title or your position.

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Clients want attorneys with gravitas. How do you build your confidence? Search out leadership, speaking and writing opportunities, do your best, succeed and build on each success.

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Make humor part of your repertoire. Humor exudes confidence, lowers temperature, breaks the ice, and facilitates relationships. If you follow me on Facebook, you'll find I post something humorous every day. We can all use a laugh.

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Keep track of your accomplishments and achievements and write them down. It's good for your confidence.

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To all the young lawyers—you're not imposters. For years I suffered from imposter syndrome. I was wrong about myself and you're wrong about yourselves.

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Strong winds create strong trees. Strong winds make trees dig their roots deeper into the ground and grow wider trunks. Many of us want to avoid adversity, pitfalls and setbacks. But without them, when life comes for us we won't have the deep roots and thick trunk to withstand the assault and will topple over. Don't fear life's challenges. You need them to face even bigger challenges down the road.

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Clients hire attorneys with confidence—with gravitas. If you struggle with confidence, write down everything you've accomplished and keep the list close by as a confidence booster. You got this.

— — —

Body language supports or belies confidence. A few tips:

- Stand up straight.
- No slouching.
- Maintain eye contact. I never break eye contact. I let the other person do so.
- Firm handshake.
- Loud voice. Not yelling, but loud. I'm not afraid others hear me. I want them to.
- Long strides when walking.
- Purposeful walking.
- Take up a lot of space with your body.
- Avoid crossing arms or covering your mouth. These are soothing mechanisms. Putting your hands on your own body or face aren't generally perceived as confident mannerisms.

— — —

Every now and then, swing for the fences. Don't play it safe on your next speech or presentation, your next article or book, your next goal or dream. Point the bat at the outfield, step to the plate and swing like you're trying to rip the cover off the ball. You just might.

— — —

As kids, we're told we can do and be anything we want to do or be. Let me put a caveat on that. We can do or be anything we want if what we're doing or being is consistent with our purpose in our life and in this world. It's not coincidences that each of us have certain talents, were born in certain circumstances or have certain advantages or disadvantages. Each of those things have directed us toward our purpose—our individual, huge, magnificent purpose—and within that purpose we can do and be anyone—specifically we can do and be the person we were destined to be.

— — —

If you're a young lawyer, and you came from poverty, or were a victim of a crime, or a parent abandoned you, or you fought cancer, or had a family member die of cancer, or a hundred other things—understand that all of that—all that pain, and anguish and loss and suffering—has given you the strength, the courage and perseverance to overcome and all of that—as much you wish you hadn't gone through it—will fuel you to the next level, and will help you overcome any obstacle, challenge, or issue the practice, your firm, a judge, opposing counsel or a client throws at you.

— — —

If you're a young lawyer, you've done more than you're aware of this year. You have likely done the following for clients:

- Advised

- Counseled
- Helped
- Consoled
- Reassured
- Supported
- Solved Problems
- Offered Solutions
- Overcome Obstacles
- Improved Outcomes

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Never underestimate the power of making and holding eye contact.

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For you lawyers struggling with your identity as attorneys, remember that lawyers played a role in drafting the Declaration of Independence and the Constitution, ending slavery, ending segregation, weeding out corruption, representing the innocent, helping those in need, and have been at the frontline of every movement, every change, every evolution and every step forward this country has taken. If you're having second thoughts that you picked the right profession, let me assure you, you did.

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Planning on attending law school? Haven't decided which school to attend? The school which results in the least amount of student debt should be at the top or near the top of your list. Student loans can be crippling. Do your best to reduce your overall debt. When asked, I always recommend state schools with their lower in state tuitions. I don't care what they're ranked. Go there, bust your hump, do well, hustle and it'll work out. Sooner or later, it'll work out.

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Your law school, whether ranked first or last, doesn't define you. Your grades, whether great or not, don't define you. Your grit defines you. Your ability to get up after getting knocked down defines you. Fragile people with great pedigrees will have a tough time succeeding. Tough people with grit will succeed in spades.

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## Job Search

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As a young lawyer, when applying for a job, emphasize how your values are aligned with the firm's values and how you have developed the soft skills—such as public speaking, communication, leadership, emotional intelligence, etc.—the firm is seeking.

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Facilitate connections between and among your colleagues and friends. The larger and deeper your network, the easier it is to facilitate such connections.

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As a lawyer, your elevator speech should encompass both what you do and why someone should hire you.

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Student services. Become friends with someone at student services who can help you with interviewing skills, your resume, and the like.

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Get to know the Executive Director of your local bar association. Your local executive director can provide you access to local lawyers who one day may hire you. Volunteer to help at events and with the association's projects.

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For you 1, 2, and 3Ls, understand your goal in law school is to get a job. Most law schools do not do a good enough job equipping you with the skill set, providing you with the urgency, or fostering the grit in you to hunt down, wrestle to the ground, and seize a job. Yes, law schools train you to think, to argue, to write, and to communicate. But all of that won't matter if you're living in your parents' basement because you can't find a job. Start with the goal—getting a job—and gear your efforts toward developing the skill set and relationships that will get you a job.

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Young lawyers, know how to tell others your practice areas in as few words as possible. I handle commercial litigation and product liability defense in South Florida. Two practice areas and one geographic region. Short, sweet, and to the point. Don't say you do everything, don't list too many practice areas, and don't come across as a jack of all trades in hopes of getting more referrals. Focus.

— — —

Landing an attorney job is tough. There are no silver bullets, magic pills or short cuts. Whenever someone asks me how to land their dream attorney job, I tell them to do the following five things:

1. Decide what practice area you want to pursue.
2. Find at least one local bar association or local chapter of a state or national bar association which has a committee that caters to that practice area.
3. Join and get involved in those committees. Get to know those in that committee who work at firms you want to work for.
4. Prove yourself to the organization and to the members of the committee you are trying to impress through your volunteer work for the organization.
5. After you have established a relationship with attorneys in the committee, and you know them and they know you, ask them for an interview. If they are not hiring, ask them to refer you to a colleague of theirs who is hiring.

Is this a lot of work? Yes. Is this time consuming? Yes. Is this a long term plan? Yes. Does it work? Yes.

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A law firm has a duty to know which types of associates would be a good fit for their firm and pursue them. As an associate looking for a job, if you can explain why you are that good fit, you will increase the odds of being hired.

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If you're a young lawyer, get published in a voluntary bar association newsletter, magazine, newspaper or journal and include that article with your resume when applying for a job.

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What statement most impresses me from candidates interviewing for a job?  
“This is how I can help your firm achieve its mission...”

— — —

Getting a job is tough. The various aspects of job hunting—knowing how to apply for an attorney position, where to apply, how to network, what to include in your resume, what to exclude, what to say in an interview, what not to say—is far from intuitive. Find a local lawyer who practices in the area you want to practice, treat him or her to coffee, and ask them, even if they aren’t the ones who make the hiring decisions at their firm, their advice about what you can do to increase your odds of getting a firm to notice your resume and nailing the interview.

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When applying to a law firm, visit the firm’s website, read its mission and vision statements, and explain in your cover letter how you can help them achieve their mission and vision. Do the same at the interview.

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Volunteer. Volunteer for organizations where you’re meeting potential referral sources. Yes, you’re there first and foremost to help, but you can meet people who may one day refer you a case.”

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I get asked a lot by young lawyers how they can get interviews for jobs at firms. They write countless well written letters with their resumes and writing samples and never receive a response. My response is always the same. Network, get to know lawyers in the legal space you want to work in by volunteering for organizations they serve and these personal relationships will lead to coveted interviews. Does it take time? Yes. Is this a long term investment? Yes. Do you have a better alternative? Probably not. How are those letters working for you? Get out there and get to know lawyers who can mentor and help you.

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Never underestimate the power of The Daily. In August of 2016, I decided to start posting daily on LinkedIn. Over three years later, I still post daily. By doing so, I’ve grown and deepened my network, improved my thinking and writing, and have secured speaking and leadership opportunities. Commit to The Daily and one day you’ll look up and be impressed with your progress toward your goals.

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Find attorneys who practice in the areas you want to develop an expertise, pull up their firm’s website and study their bios. You’ll learn what organizations to join, what publications to read and write for and generally what paths to pursue to become an expert like them.

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I received a question about OCI from a law student who didn't believe her grades would cut it to get interviews. What should she do next summer? Here are some thoughts:

- If you can afford it, consider interning with a local judge, voluntary bar association or legal nonprofit.
- If you have bills you can't put off, consider applying to solos and small firms who don't typically hire summer clerks. You're going to get paid less than the OCI firms, but you'll get a lot of experience and some much needed confidence. How do you find these firms? A lot of Google searches and a lot of reviewing firm websites and attorney profiles.

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For young attorneys looking to switch firms, take the time, if you can, to get to know lawyers in your town or city that do the work you want to do by volunteering alongside of them in bar association committees and projects. They'll get to know you and you'll get to know them. They're be more receptive to your resume and you'll see for yourself whether that person isn't just a good attorney but a good human being with whom you'd like to work.

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## Clients

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When serving a client, serve them on their terms. Learn their business, needs, expectations, pet peeves, and wants, and cater your services to meet the client's needs on their terms (within reason of course). We lawyers are in a service industry and we need to remember that when rendering services to clients.

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Client-centric law practices focused on providing exemplary customer service and meeting clients where they're at and addressing their needs on their terms are the practices that will succeed.

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Keep your clients informed. One of the biggest issues that undermines attorney-client relationships and results in upset clients and bar referrals is failing to keep the client in the loop and failing to have regular, meaningful communications with them. Develop a process by which you keep all your clients informed in all your matters.

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As more and more software and tech companies flood the legal space, we as lawyers must understand the greatest value we offer clients that can't be replicated by an algorithm. That value comes in the form of advice and ideas



that are efficient, favorable resolutions to their legal problems. Providing the best answer is something that transcends AI and predictive analysis. To avoid becoming obsolete, focus on what matters and what clients want and need from their counsel.

— — —

I read *The Game Changing Attorney* by Michael Mogill. Great book. My big takeaway is that each of us has a story and if we want to connect with prospective clients we need to connect with them both intellectually and emotionally, and we do that by sharing our story with them. Prospective clients want to like and trust us and our stories are a great means of achieving that.

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Speak client. Know your client's business and needs, understand her wants, and communicate on her terms. In short, speak client.

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We solve problems. That's what we lawyers do. People come to us at the most stressed times of their lives and are looking for someone to tell them "I'm going to help you through this."

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Simplicity is a skill that clients desire and many attorneys haven't mastered.

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Sometimes prospective clients will come to us not with a legal problem, but a personal one. They're not really looking for legal advice; they're looking for a life line. And if a prospective client is coming to an attorney because of a personal crisis or a mental health issue, he's likely gone through everyone else he knows without much success and is desperate. When this happens, recognize the situation and try to help him get the help he needs. You may be the last person he talks to before giving up on life and what you say or do may change his life's trajectory.

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When buying clients gifts, know what the clients' policies are about receiving gifts. Some can't, per company policy.

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## Writing

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Consider self publishing an e-book to promote your expertise and law practice.

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My first article sucked. My second sucked a little less. 300 plus articles and 7 books later, I'm far from sucking. But I never would be here if I hadn't written that subpar first article. You want to do something well? Accept that at first you'll likely suck at it and just keep at it.

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If you want to exercise your creativity muscles, write a short story about the practice. Writing fiction is a great way to develop your imagination.

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A writing exercise you may want to try is deconstructing someone's writing and reverse engineer it. If you want to write a poem, study it, take it apart, and put it back together in your own words. You can do the same with a short story. For legal writing, do that with a memo of law or brief. Find the best piece of legal writing you can find, take it apart, like a mechanic would disassemble a car, and put it back together.

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Whether on your website, blog, or social media, write your own copy. Don't hire a ghost writer. Your audience wants to hear from you.

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For those of you who have dreamed of writing a book, and have reflected upon it, have started and stopped it, and just need a kick start, here's a thought. Take a Friday off from work, check into a Hampton Inn with your laptop or tablet and stay there through Sunday. While you're there, all you do is write. You don't watch television. You don't surf the internet. You don't go for long walks. You just sit at their little desk under their little lamp and you type for three straight days, nonstop. I promise you that by the time you're done, you will be so knee deep into your book that the forward momentum will push you to complete once you're back home and once you're back into your normal routine.

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You say you don't write, because you're not inspired? That's not how writing works. Sit down, do the hard work and write. Inspiration follows, it doesn't precede, the hard work.

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When I start a book, I never say "I have to write a book." I say, "I need to write a title." After I come up with a title, I say "I have to write a table of contents." And then I go onto the next step and then the next step. Saying "I have to write a book" to yourself is overwhelming and paralyzing. Tell yourself "I have to write 250 words." Tell yourself you have to do manageable tasks.

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There's an exercise when writing a scene of fiction that is useful when deposing a witness to an accident. Imagine the scene and freeze frame it, and view all 360 degrees of it, focusing on what the witness can hear, see, smell and feel. This allows you to capture all the information the witness has about the incident and pin her down on the details.

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Effective writing is direct, simple and explicit. I think why so many lawyers struggle with effective writing is because they struggle with confidence. Work on your confidence by putting yourself in uncomfortable situations and working through them—Toastmasters, an improv class, volunteering, leading—and that confidence will transfer over in how you communicate, including how you write.

— — —

Do you want to write? Write. Write a terrible, awful, poorly written first draft of an article or book or whatever you want to write. What's the alternative? Not writing at all. And what do you have when you're done with your terrible first draft? You have a first draft, which is more than most. You have something to fix, to revise, to remold and to redeem. Stumble into your first draft and don't look back.

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If you're looking to land a book deal, unless you're a celebrity or known quantity, you'll likely need to build a platform, develop a following, and show a publisher you can promote your own book. It's unfortunate that publishers

have grown leery to take a chance on quality books written by unknown authors, but that's the publishing world in 2020.

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Writing is sacred. It is a sacrament. Our minds conceive ideas, our hearts give them life, our joy and pain, our gains and losses, our suffering and hope, mold and shape them, and they leave us words on the page to touch others much like a handshake, a hug, or even a kiss. Words defy physics. They create contact even when two people are worlds apart. When you write, respect the power.

— — —

The day I realized that what was stopping me from writing a book was not the lack of time, or lack of resources, or lack training, or any one of the many other excuses that came to mind that got between me and my pen and journal, and between me and my keyboard, but that it was me, it was always me, I got out of my own way and wrote every day. Get out of your own way.

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If you want to write, if you really want to write, you have to be honest with yourself, truly, wholeheartedly honest with yourself, and ask why you want to do it. Do you want to do it for the money? Few people will become rich from writing. Do you want to do it for the fame? Few will become famous from it, and if you do, you'll likely have as many detractors as fans. Do you want to do it for the affirmation? External affirmation is fleeting. But if you want to do it because you're intoxicated with the power of words and how they have affected you and how you have seen them affect others, and if you want to cast out your words into the universe, believing but never truly knowing they will change others, as if you're spreading seeds in a field that you never plan on revisiting, imagining but not seeing those seeds turn to crops, and plants and trees, providing nourishment and shade, then yes, please write and never stop writing. Because understanding, nurturing, and setting free words and all the power they possess is what writing is about.

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Read and write poetry. Developing an ear for rhythm and an ability to paint pictures with words will serve you well as an advocate.

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You're not sure you can write a book? Well, you can write a LinkedIn post, can't you? Post daily for a month. After a month, you're still not sure you can write a book? You can write a short article, can't you? Write a 500-1000 word article for the publication of a voluntary bar association or trade association. After you write the article, you're still not sure you can write a book? Write a longer article. After posting for a month, writing a short article, and then writing a long article, you have enough successes under your belt to show yourself that you have what it takes to write a book.

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Do you want to write a book in 2020? Commit to writing 300 words a day. in 200 days, you'll have 60,000 words, enough for a book. That leaves you over 150 days to edit and revise the book. Writing a book isn't one grand event. It is a daily effort.

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For you writers, I downloaded the Dragon app on my phone and it's a game changer. The voice recognition software has been near perfect and with it I am dictating my books.

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Plan. Then do. Don't keep planning. Plan and do. The moment we start enacting our goals is the hardest moment. it's easy to keep thinking and thinking and not doing. For example, you want to write a book. You put together a plan but before you start to write you decide to attend a writer's conference. Now, I have nothing against writer's conferences, but think about that decision. You can spend three days at a conference listening to others talk about writing or you can check yourself into a hotel with your laptop and you favorite coffee mug and spend three days writing. Plan. Do. Don't plan and keep planning.

— — —

One day I woke up and realized that what was stopping me from writing more wasn't lack of time or lack of resources. It wasn't lack of talent or lack of support. What was stopping me was me. When you see the so called obstacles as nothing more than excuses and accept responsibility for your dreams, that paradigm shift will propel you to run down your dreams, tackle them and make them yours.

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## LinkedIn Advice

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Through LinkedIn, I have the pleasure and opportunity to communicate and network with lawyers from around the world, and in doing so, have learned we all share many of the same values and principles, many of the same goals and wishes, and many of the same dreams and hopes.

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You can download all your LinkedIn data. If you go to your Profile page, scroll to the bottom, click on Manage Your Account and Privacy, scroll down to How LinkedIn Uses Your Data, click on Getting a Copy of Your Data, and then click on Download Larger Data Archive, within 24 hours you'll receive a download of all your data, including every post you've ever posted. If you're a frequent poster, you can turn those posts into articles or books. I turned mine into a book and am now working on a second one. Sometimes writing a book is nothing more than pulling old posts together and turning them into a book.

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If you want to develop an online presence as a lawyer or law firm, you must understand that you are entering into, whether you realize it or not, a social contract with your connections, followers, friends, etc. That relationship is providing value in exchange for time. You give something away for free that others find valuable in exchange for their time to learn about you, your practice, your firm and your voice. That's the social media contract in a nutshell.

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## Mental Health

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Smile more.

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We all measure ourselves with a different measuring stick we use on others. Our own measuring stick is a bit shorter or a bit longer. For those with healthy egos, it is much longer. For those who suffer from anxiety and depression, it is quite a bit shorter. We owe it to ourselves to use an accurate ruler when measuring ourselves and we owe it to others to use the ruler we use on ourselves.

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We've all had moments as lawyers where we are juggling too many tasks and too many emergencies, and our anxiety gets the best of us. If you're at your desk, close the door, sit down and for one to two minutes squeeze and release all the muscles in your body, starting with your feet and working all the way up to your shoulders. This alternating squeezing and releasing exercise helps get your fight or flight reactions under control and offsets all the hormones being released into your bloodstream.

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For many, the holidays are a time of joy. For some, it is a time of sadness. It reminds them of loss and loneliness. Be aware of your colleagues and staff, understand this may not be an easy time of year for them and be willing to help. The holidays are a time of giving and sometimes our time, compassion and understanding are the best gifts of all.

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Care less. Sometime we get anxious or frustrated or annoyed or stymied because we care too much about what others do, think, or say. I can't change other people. I doubt others spend any time thinking or reflecting upon me. I'm sure others go about their lives, and do things and say things that should annoy me, and they couldn't care less. So my advice to you is to take a page from their play book and, for your mental health, care less.

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Depression is a real problem for many lawyers. I suffered from it myself. There are some obvious things to do:

- Seek professional help.
- Don't isolate yourself.
- Understand what you have is a disease. Treat it like one. Seek medical attention and if need be, medication.

There are also some non obvious things to do that helped me:

- Help others.
- Focus on others' needs.
- Get a pet, preferably a rescue.
- Seek out humor and laugh as much as possible.

Depression is insular. Focusing on others helps you move beyond yourself. Depression makes you believe you're worthless. Helping others, whether others or a pet, helps you realize you have value.

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If you're frustrated in your current position, understand things won't change unless you set a goal to do something else or be somewhere else and create and implement a plan to go from where you are to there. The equation is simple—the faster and harder you run toward your goal, the greater the sacrifice but the quicker you'll achieve your goal. You set the trajectory—you can sprint, run, walk or crawl toward the finish line. The less the sacrifice, the longer it takes to get there. The greater the sacrifice, the faster it goes. Not doing anything, though, is a recipe for frustration, depression and anxiety.

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Emotional intelligence is knowing each of us has an inner child and speaking to that inner child when communicating with others.

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There are those we know that we view as having terrible circumstances yet are full of joy. Some are blind. Some have cancer. Some have lost limbs. Some are unemployed. Then there are those whom we believe should have joy, but lack it. They have good jobs. They have good families. They are wealthy. Looking at this doesn't make sense until you realize it's not our circumstances that dictate our joy. It is our response to them.

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I wish I could change the past or predict the future, but since I can't do either, I'll settle on making the most of the present.

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For you recent bar passage folks who are embarking on your careers, you may be lucky enough to have a Ride or Die friend from law school. Keep him or her close. This job of ours, this profession of ours, is challenging, and friends who understand the struggle can be scarce. Make time for one another even when your email in box is over flowing.

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If you're a young lawyer, you may feel overwhelmed with student loan debt, an unforgiving work environment and a boss who treats you as expendable. You can't change how others act and behave, but you can control your responses to your circumstances, your firm, and your boss. Be positive for you, because it will help you cope and better respond to everything life throws at you.

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Be aware of negative self talk and change the script to positive self talk. Your negative self talk isn't helpful, productive, or useful. Check it and change the conversation with yourself. It's tempting to say, "well, the positive self-talk isn't accurate either." Often, it's more accurate than the negative self talk.

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If you're a 1, 2, or 3L, become familiar with and don't hesitate to use your school's mental health services and facilities. Depression and anxiety, in the pressure cooker of law school, can take hold and get out of control.

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You can't control others' opinions of you, nor should you try. You can't secure others' approval, nor should you to attempt to do so. Your value, self-worth and meaning isn't based on what others think about you. When you're criticized at your law firm by another attorney, separate the constructive criticism from the personal attacks, and learn from the former and ignore the latter. Live your life and stop fighting for others' approval. It doesn't matter and it never will.

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If you're a lawyer or law student, and find yourself suffering from a mental health issue, seek help. And if you need someone to talk to and don't have someone, reach out to me and I'll provide you my contact information. Someone did that for me years ago when I struggled with depression and I want to do it for you. There is help, there are answers, and there are alternatives.

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To 1, 2 and 3Ls, the most important thing you can do in law school is make friends with other 1, 2, and 3Ls. These will be your peers—your colleagues, your partners, your referral sources—the ones you will join at firms, go to lunch with, lead organizations with, invite to your kids' birthday parties,

graduations, and weddings, and mourn with when you lose a parent or a loved one. Make friends, make lots of them, and be there for one another.

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Learn to leave your law firm and practice problems at work and not bring them home. We can talk about our jobs with our family, but regularly bringing home issues with opposing counsel, or a client or a partner isn't healthy to your marriage or kids.

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For you law students, whether you're a 1, 2, or 3L, don't forget the following:

- Eat healthy. Law school is demanding. Many of you work as law clerks while attending school. A healthy diet will help.
- Exercise. Pick a form of exercise that works for you and your schedule and stick with it. It'll help with the stress.
- Sleep. You need a full night's sleep. For some, that's 6 hours. For some, that's 8 hours. You're not doing yourself any favors by getting by on too little sleep.
- Avoid excessive drinking, drugs, and other addictive behaviors. We lawyers disproportionately abuse alcohol and drugs. It seems like an easy escape. It isn't.
- Caffeine is a drug. I love coffee. I'll be the first to admit that I drink too much of it. If you're overdoing it on coffee, soda, power drinks, energy drinks, etc., cut back.

— — —

Never underestimate another's need for affirmation and their hurt feelings in the absence of it. It's easy to say each of us should not define, seek or procure our value from others, but many of us do. We want others to affirm our intelligence, our humor, our looks our value and our worth. Take the time to notice others' innate value and tell them. All of us can benefit from appropriate and affirming compliments from others. Do your part and pay your share of compliments.

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If you're a young lawyer, make time to get out from behind your desk and meet others for coffee, lunch, or at a reception. I know. It's tough to make the time—but please, make the time.

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There's a difference between regretting decisions and regretting consequences. Those who focus on decisions understand that the choices they make matter and that the results from those choices aren't always predictable and often far from certain, but they're willing to live with the consequences. Those who focus on consequences regret when things turn out badly or regret facing the impact of their choices. I pose to you that by focusing on decisions, which are in your control, versus the outcomes of those decisions, which are not entirely within your control, you reduce

your fear and anxiety and you make better decisions which often results in better consequences.

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Many more lawyers than you think or know suffer from chronic depression. Having suffered from it myself, I know how important others' help is and how often that help is misguided and counterproductive. Understand that depression isn't rational and often doesn't respond to rational thought, words or action. Depression doesn't see the glass as half full. It sees the water in the glass as poisoned. When helping those with depression, understand that some or many of their thoughts aren't rational and act and help accordingly.

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Unbeknownst to us, a colleague, a staff member or opposing counsel may have a prodigal child, an addicted sibling, an ailing parent or a dying relative. Each of us tries to keep our personal lives separate and distinct from our work lives, but sometimes the stress, the depression and the anxiety seeps into the office and into work. Let's keep this in mind when someone we're interacting with seems aloof, distracted or depressed and give them the benefit of the doubt and be accommodating when appropriate.

— — —

Fear is often experienced by those who focus too much on the future. Instead of living in the present, they are worried about events yet to pass, most of which will work out. When anxiety grips you, stay in the moment. Live in the moment. Be present physically right here, right now.

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For someone who has a colleague or loved one going through depression, it's hard to understand that person's state of mind. Having suffered from it myself for years, my best description is it's like a nightmare, but this nightmare begins when others end—at the moment of awakening. Depression turns rational thoughts irrational and blurs everything much like dirty windshield wipers on a dusty day when you have no wiper fluid. If you have someone going through it, be patient and help them get the help they need. They really don't know how to get out of it and often don't see a positive end in sight. Understand that when dealing with them.

— — —

Whatever you went through and whatever you're going through, I can't stop or end the pain, suffering or disappointment. But you have a choice. Mentally, you can learn, grow, develop, and move forward from that loss. The worst things that happen to us sometimes bear the seed that sprouts into the biggest, strongest tree in the forest.

— — —

We as lawyers will sooner or later experience anxiety in our practice. What is anxiety? Worrying about something outside of your control. How do you counter anxiety? Do everything you can within your sphere of control and accept what you can't control.

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As lawyers, we do a poor job addressing mental illness among our ranks. We hide it, ignore it, bury it, overlook it, and downplay it until it's too late. Until someone's depression or anxiety turns to despair which sometimes turns to suicide. Don't ignore the signs in others. Help them get help.

— — —

Don't ignore what your body is telling you. You may be having symptoms of a heart attack, stroke, cancer, depression or another health issue. I develop altitude sickness when I fly (cabins are pressurized between 5 and 8 thousand feet) and when I travel to high places. It feels like I'm having a stroke or heart attack. It made me visit a doctor who told me to drink plenty of water, breathe deeply, and meditate when I fly. You're having health issues? Have them checked out by your physician. Waiting can turn a treatable malady into an untreatable one.

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Emotional intelligence can be reduced to a phrase—if it matters to you, it matters to me.

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Sometimes we lose things to make way for much better things. Think back to a job you lost, an opportunity you missed out on, or a crush that wasn't reciprocated. At the time, the loss was sad, possibly depressing, perhaps even soul-crushing. And since then, you've gained so much more that you never would have if that thing you wanted back then had come through for you. Sometimes we need to lose to win.

— — —

If you're a young lawyer, you likely feel overwhelmed from time to time. You need friends in the same boat, who understand your situation (and you understand theirs) and you can lean on one another when your jobs are getting the best of you.

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Control what you can. You can't control your genetics. You can't control the talents you were born with or without. You can't control the surprises life will throw at you. You can control your work ethic, your attitude, your effort and your response to life.

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If you're a young lawyer, you need a tribe—other young lawyers who will listen and support you and whom you'll listen to and support.

— — —

For those of us who view our lives as not ending in our deaths, but simply beginning, for those of us who believe there is a life after this one, an eternal one, there is a question we must ask ourselves—how does the life we live now affect the next one? Because when we shift the paradigm of our time table, and believe that what we do now affects not only our life, this one and the next, and the lives of others, their current ones and their next ones,

then the definition of our purpose goes beyond ourselves and invariably encompasses others—encouraging others, empowering others and helping others achieve their purposes so they in turn can help others. Sometimes shifting our vantage point shifts our motivation, our drive and our effort.

— — —

Who you are and what you do are not the same. You can fail or falter at what you do and that does not make you a failure. As young lawyers, you can have hard days, make mistakes, fail and fall, and that does not mean that you are a failure. You are you, first and foremost. You are a lawyer second.

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Relationships involve an emotional investment and it can be frustrating when you invest emotionally in others and it is not reciprocated. I've learned not to invest emotionally in others who don't invest emotionally in me. I remain cordial, professional, helpful, and friendly, but I avoid emotional involvement. It makes life easier, simpler, and less stressful.

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Having suffered from depression, looking back now, I realize it was a construct. It wasn't real. It was an illusion I created, gave power to, and handed the keys of my life to. For me, transcending depression happened when I realized that I built my depression and I could tear it down. I had constructed an altar to it and it was time to desecrate it. That moment when I realized it wasn't circumstances that caused my depression but my reaction to them, that I was able to shed the depression, tackle and overcome life's challenges and obstacles, and cast off the depression the way a snake casts off its old skin. If you or a loved one is suffering from depression, get the help you need to come out victorious on the other side.

— — —

I meet a lot of young lawyers for coffee and discuss the practice and life. Many worry what others will think of them, of their life choices, of their interests and of their pursuits. I tell them what I told myself years ago—don't worry what others think. It's your life. You have to live with your decisions. You have to deal with the consequences. You benefit from the choices. Only you have to look at yourself in the mirror and only you have to sleep with your thoughts at night. It's been a while since I've cared what others think of me and my life choices. Life has been so much simpler since then.

— — —

Sometimes, what we and the world consider a shortcoming, a hindrance, a handicap—is in fact a tool to equip us to reach our goals. I and my boys have OCD. If left uncontrolled and unchecked, it can be very debilitating. If channeled and harnessed, it can provide the focus, passion and energy to achieve great things. We have learned to take what the world thinks of as a weakness—OCD—and turn it into a strength. We are actually better at what we do because of it and not in spite of it. Embrace your weaknesses, learn

from them, accept them and use them in new and imaginative ways so you can see for yourself that what you thought was holding you back can serve to propel you forward.

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Don't live another's life. Don't live another's Facebook posts or Instagram pics. Don't live another's sports car or Gucci bag. Live your life. The trappings are a trap.

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All firms have a responsibility to their attorneys and staff to help them get the help and support they need to navigate our stressful profession.

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Don't waste your time on those who have disappointed you. In your practice, in your community, in your life—others will disappoint you. We are all human. We are all selfish. We all fall short. Don't hold a grudge. Don't be angry. Don't seek revenge. Let it go and move on. Do it for you. It sounds like you're doing them a favor. You're doing yourself one.

— — —

We sometimes confuse what we need from what we want and are disappointed when life denies us what we want, believing we needed it. Looking back, many of us have been in relationships we were sad to lose at the time and reflecting back we now see it was for best. Some of us lost jobs we thought we needed only to find a better opportunity we would have missed if we had not lost that job we considered so precious. Sometimes doors are closed so you can find the right one to walk through.

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We control two things, and only two things—our thoughts and our actions. For better or worse, we don't control others' thoughts or actions or circumstances. Focus on what you can control and accept what you cannot.

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Security is a construct. It doesn't exist. We refrain from taking risks to preserve security, but from one day to the next we can lose our job, our health or a loved one. Life is too short to sacrifice your potential for security which may not be secure at all.

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What is the proper response to suffering? Fear? Does that help? Giving up? Does that help? Feeling sorry for yourself? Does that help? Anger? Does that help? The appropriate response is accepting it, learning from it, helping others get through it, and growing from it. Because the alternative—fear, anger, jealousy, bitterness—only compounds the problem, only augments the suffering. Suffering is inevitable. Our response to it is up to us.

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## Being a Trial Lawyer

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As a lawyer, sometimes a case calls for a rifle shot from the crow's nest and sometimes it calls for walking onto the open battlefield with a flame thrower. Pick the right weapon for the right job.

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If you represent a defendant in a multi-party case, try to set the agenda and control the direction and flow of the case. Sometimes, you're a minor party and it behooves you and the client to lay back and let other defense counsel take the lead, but typically, you should be driving the bus.

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A repeated construct in superhero stories is the origin story—how a superhero became a superhero. When telling your client's story to the jury, understand the jury wants to know their origin story—why they are who they are.

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If you need to do research in a pinch, Westlaw Edge has its own app. You can research on your phone at a hearing or trial. Also, you can save certain treatises as favorites, such as Florida's Ehrhardt's evidence, which are word searchable.

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When I started at my current firm on July 27, 1998, my boss, Bud Clarke, told me my cases were my responsibility. If something needs to be calendared, I can have a legal assistant do it, but it's my responsibility and if it wasn't calendared or not calendared properly, that was on me. No excuses. No pointing fingers. I was responsible for everything in my cases. 21 years later, that's still my mantra for my cases and for my life.

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When litigating and becoming ensconced in a new practice area, go beyond the law and read articles and books on the issues that pervade and surround that practice area to truly understand it and the facts that undergird it.

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Research is such an important part of what we do as lawyers. Identify the relevant legal issues in your case as early as possible and make sure you know how the law addresses those issues.

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We trial lawyers are story tellers. Portray your client as the protagonist, the opposing party as the antagonist, create conflict, resolve it in your client's favor, let her ride off into the sunset, fade to black, roll credits.

— — —

I find it humorous when I cross examine an opposing party who refuses to agree with me on the most basic facts. If you're going to fight me on every question and deny every assertion I make, I'm going to make the most obvious, most common sense, most basic assertions, and hope you deny them. That's a win for me. I'm going to floss your teeth with those answers at trial.

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Attending a conference and the hotel IT folks gave the speakers a defective clicker for their PowerPoint and we're struggling to fix the issues. If you're a speaker, and this happens to you, consider the following:

- If you've thought through and practiced your presentation, you probably don't need the PowerPoint as a crutch. Trust yourself.
- Understand that the audience is interested in you, not your PowerPoint. Hold their attention with your voice, cadence, body language and expressions.
- Don't make a big deal about the PowerPoint not working. Don't get distracted by it and don't keep calling attention to it. We're lawyers. We're used to the unexpected.

— — —

In litigation, you're fighting on two fronts—the substantive one and the e-discovery one. A party, who is losing the substantive front, may turn a bad case into a good one by jamming their thumb into the pressure point of spoliation and show how the opposing party didn't preserve documents

or data and should be sanctioned. On your end, make sure your client is preserving documents and electronic data and test your opponent to see if it is preserving its documents and data.

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Ethics keeps our worst instincts in check. They keep us from veering too far to one side or the other. As lawyers, we have a code of professional conduct we are bound by. As law firms, we have a duty to explore the scope and reach of those rules, principles and standards with our lawyers and ensure every member of our team is living, acting and practicing by them.

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Your biggest opponent isn't opposing counsel, the opposing party or the judge. Your biggest opponent is you. Developing the self control and self discipline, developing the work ethic and drive, controlling your emotions and behavior, and pushing yourself to achieve new goals and overcome challenges—that's bigger than the challenge of any external opponent. Beat your undisciplined self and the external opponents will be easy by comparison.

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Lawyers love sports and hunting analogies. One analogy is to choose the weapon appropriate for your game—don't use an elephant gun when hunting for squirrels and don't use a shotgun when a rifle is appropriate. Appreciate how much time, effort and money your case deserves. Sometimes doing too much is as bad as doing too little.

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Telling your story in a compelling, persuasive narrative often makes the difference between winning and losing.

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When we try cases, we lawyers are aware what jurors expect from us based on media depictions of what we do in trial. Think about that—jurors watch and read fictional depictions of trials, derive their opinions about us not from real trials but fictional ones and we as lawyers have to acknowledge and prepare our cases to a jury through this fictional prism for a real case, with real people and real facts. Isn't that a bit crazy? And yet we balance the real facts of our case with the expectations of jurors who have at best, a misguided view of our roles and how we fulfill those roles, and at worst, are expecting to be entertained and are comparing us to the actors from their favorite lawyer serial. How many other professions have to be both who they are and who others expect them to be? It's quite the fascinating conundrum.

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As lawyers, we tell stories. We win when we get opposing counsel to fight about the details of our story and we lose if we're fighting over the details of their story. Whoever creates the story—she who dictates what role the characters are playing, which party is the protagonist and which party is

the antagonist, which party we should root, for and which one is wearing the black hat—has already won.

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Get in the habit of writing evaluation letters in your cases. Reducing your whole case to writing, analyzing the facts, the law, the strengths and weaknesses—this process will help you better evaluate your cases and better advise your clients.

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Young lawyers, trial decorum 101—introduce yourself to and get to know everyone in the court room for your trial and address them by their last name unless they ask you to address them by their first name—the JA, the clerk, the bailiff, the court reporter, etc.

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The sooner you develop a case theme and theory, the sooner you can ensure that the steps you're taking in litigation are directed toward a meaningful goal.

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Get in the habit of using your notes app on your phone to jot down ideas as they come to you. Ideas for cases, articles and books, presentations and all sorts of things come when you least expect them. Jot them down before they leave forever.

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Opposing counsel cannot annoy you, get under your skin or get a rise out of you absent your consent. Choose not to let opposing counsel dictate your behavior.

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"It's so simple..." Trial lawyers use this phrase. That's the goal. Explaining your case to a jury so they see how simple the case is on your terms.

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What separates out the great lawyers is their imagination. Great lawyers are creative.

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If you're a young lawyer, in addition to your student loans and all your other expenses, you have to spend money on a professional wardrobe. Look for clothing hacks. Mine is Brad's Deals, a website where you can request email notifications for their daily deals. Through it, over the last several months I've bought three quality suits and four quality sports coats for a total of less than \$500. Share your clothing hacks below so other young lawyers can benefit from them.

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When it comes to trial, sweat the details but speak in themes and big picture.

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We win our cases by doing the little things—by pushing and advancing our cases step by step, each month, each week, each day. By doing the little things, we make big things happen.

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Try not to let the important become urgent. When you have a large task to tackle, find little ways to tackle it right away to make it manageable and avoid emergencies.

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Growing up in inner city Chicago, I learned that smarts often beat brawn in the streets and learned that winning a fight depended on two skills—distract and disable—you distract your opponent from the move that will disable him. Those skills—distracting your opponent from your strategy and implementing that strategy to win—that’s street fighting 101.

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Often lawyers win not because they have better facts or better law but because they have a better story.

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Anticipate and resolve as many evidentiary issues you can before trial. Knowing what’s coming in and isn’t allows you to better present your case. Some lawyers like to push the envelope and want to surprise and coerce the judge at trial in hopes of getting evidence in that floats around the periphery of relevance and admissibility, but all you’re doing is playing with fire. As a trial lawyer, you should manage risks, not add to them.

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Young lawyers think this job is easier for us more experienced lawyers. I don’t know if it gets easier, and if it does, I don’t believe it gets significantly easier. But having fought this battle for 22 years now, I’ve won enough and lost enough to not let either define me or define my value. This job is a lot easier if you define it and not let it define you.

— — —

Some defense counsel make the mistake that because they are defending a case, they are on defense. Whatever side of the “v” you are, you are always on offense. You are setting the agenda, setting the pace, setting the tone. You are dictating the actions and making the other side react.

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The achievement isn’t in taking killer depositions, conducting effective cross examinations, or telling resonant stories to juries and judges. The achievement is disciplining oneself to achieve these things.

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Jurors play checkers, not chess. Present your case at trial as if you’re playing checkers, not chess.

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When defending an auto case, pull the Carfax report for Plaintiff's vehicle and his prior vehicles because you may come across accidents he hasn't disclosed.

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You can add value in your cases by unearthing all the landmines and either neutralizing them or stopping your client from stepping on one. Your opponent wants nothing more than for you to step on a Bouncing Betty he buried for you and have your knee caps blown off.

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Whether you're a Plaintiff's attorney or Defense's attorney, your job is to push the case forward. Be proactive. Dictate the pace of the case. Decide the direction of the matter. Be in charge.

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If you watched the impeachment proceedings, here are some cross examination skill takeaways:

- Avoid sounding smug.
- Avoid long winded, speech-length questions.
- Keep questions short, limit them to one fact per question, and get the witness to agree with you.
- Never forget you are a professional. You can be both effective and be professional. Don't argue with, belittle, insult or demean a witness.

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As a lawyer, never underestimate the power of an earnest, truthful, confident witness on the fact finder.

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As lawyers, be prepared to address deepfakes in your cases. Digital images and videos, which many have assumed reliable in courtrooms, and the gold standard for evidence, suddenly seem less reliable in light of the ability to create fake photos, videos and audio. We may move from trusting our own eyes in light of the proliferation of deepfakes to trusting others' eyes through eye witness testimony.

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If you use Westlaw, a great feature is the analytics they provide on judges. You can see how often and how judges rule on certain types of motions, including dispositive motions, and how often they have been overruled and on what issues. A judge who has been overruled on an issue is not going to step into that quagmire a second time, so if that issue applies in your case, appreciate the specter of the appellate court on the judge's rulings on that issue in your case.

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If you're looking for great, free CLE, visit the websites of the big firms and search through the webinars they freely share with the public.

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Don't avoid the crucibles. Don't avoid the challenges. Bad things will happen. They will test you. We all need to be tested. How will we know what we are capable of, which obstacles we can overcome, if we are never tested? Don't wish the bad times on others. Embrace them, because they build you up, they mold you, they make you stronger and better prepared for the next challenge. Feel sorry for those who have never been tested, whose foundation is built on sand, that when the wind blows, they are blow away with it and nothing is left to fight the next battle. You young lawyers, you will be challenged daily by your supervising lawyers, opposing counsel, clients and judges. Hold fast, accept the strife and grow from it.

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# Depositions

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Prepare a “What to Expect at Your Deposition” memo and provide it to your clients in advance of meeting with them to prepare them for their depositions.

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Avoid fillers when questioning in depositions. Whenever a few weeks pass between taking depositions I fall back into the bad habit of using “OK” after responses and then proceeding with the next question. It creates for a distracting transcript. Whether it’s ‘OK’ or another filler, avoid them. Read your transcripts when they come in and see where you can ask shorter, better questions and identify the fillers you use to avoid them in your next deposition.

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A deposition is your opportunity to test your trial questions.

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When you’re taking a deposition, appreciate that you may read it to a jury one day. Avoid big words an average juror may not understand.

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When deposing a party in an auto accident, secure color photos from online of the interior of their vehicle so you can see for yourself what the driver



and passenger could see inside the vehicle and how they were seated at the time of impact. Consider using the photos in deposition.

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If you're deposing a party involved in a car accident, think through what you said, did, thought, smelled, heard, and felt if you've ever been in a car accident and ask about those details.

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If you consider that deposition questions and answers are to be used in support of a summary judgment motion, a Daubert motion, or impeachment at trial, cast your questions and secure answers that will pop in a motion or in front of a jury.

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If you're going to depose a witness through a translator, if at all possible, have someone in the room on your behalf who understands the foreign language. In Miami, I depose many Spanish speaking witnesses and invariably I have to correct the interpreter multiple times during the deposition. I've used multiple interpreters from multiple companies, and translation is an imperfect art, and I'm listening to what the witness says in Spanish and how the translator is interpreting it, and sometimes they get it wrong, forcing me to repeat or rephrase the question.

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We share the truth with those we like and trust. When deposing witnesses, I pretend to be their friends, so they come to trust me and tell me the truth. That's why I always tell clients who are being deposed not to trust opposing counsel and to never forget they're not friends.

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I talk fast. Bad habit at trial, good habit at deposition (if it's not being videotaped). Why is asking questions fast good? I train the deponent not to think about his answers. I want to say the first words that come into his brain. Folks who hesitate to answer my questions are trying to hide their real answers from me and I don't have patience for liars.

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If you can walk away from your client's deposition and say your case is no worse off because he/she refrained from making any admissions, then you can breathe a sigh of relief and catch the flight home knowing you did your job.

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When preparing a client for deposition, do your best to show them all the documents you expect them to be shown at deposition to avoid surprises.

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When you're prepping a client for her deposition, communicate with them via means they best understand and most often use. Some clients need

things in writing. Some clients need to listen. Some need everything all at once. Some need things in small chunks over a period of time. You're not going to change how your client learns so you need to accommodate your teaching style to their needs.

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When preparing deposition outlines, don't write out every question. Write every topic and subtopic. Now if there is a money question you want and have to ask, write it down in your outline.

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When you're prepping a client for her deposition, communicate with them via means they best understand and most often use. Some clients need things in writing. Some clients need to listen. Some need everything all at once. Some need things in small chunks over a period of time. You're not going to change how your client learns so you need to accommodate your teaching style to their needs.

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# Mediation

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Mediations often fail because parties haven't sufficiently analyzed the case and their positions before mediation. If you're a mediator, if you can prompt the parties to ask the important questions and make the relevant analysis before mediation, you'll increase the likelihood of settlement at mediation exponentially.

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Mediation is prologue for trial. Your opening statement at mediation should be your trial closing argument. It shows you're ready to try the case and not afraid if the case doesn't settle.

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## Trial Practice

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Writing is a great way to gather and develop your thoughts. When preparing for trial, prepare a memo to yourself detailing your theme and theory, what evidence you want to get in, how you plan on getting it in, which witnesses you plan on calling and what you want them to say, and a list of to-dos for between the time of the memo and the start of trial.

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All those documents, data, and exhibits—most cases come down to a handful of key documents. Identify those documents early in your case.

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One of the benefits of developing trial themes early in your case is that you create a paradigm through which to evaluate all evidence and determine if it helps, hurts, or is irrelevant.

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Look at the relevant evidence in your case. If you need it, research how to get it in. If it hurts you, research how to keep it out.

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If you have a killer piece of evidence, research whether it's admissible at trial. You may think it is and be surprised to find it isn't and that inadmissibility will completely unravel your case theme and theory, or you may assume it's not and miss out on a great theme and theory.

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As I have the opioid trial play in the background on my computer screen as I go about my day and do my work, I recommend that you watch portions of it. On YouTube, you can find the first three days and live stream day four and the rest of the trial. It's free CLE on conducting a high profile trial, openings, cross examination, trial exhibits, etc.

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The first opioid trial is being streamed live by local news KOKO News 5, the local ABC affiliate. If you go to their website, you can stream it live. Watching a bit of a live trial is a great learning tool in developing your trial skills. These are the best of the best trial lawyers trying a big case. We all have a lot to learn from watching them.

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Ask witnesses about facts. They can't argue with facts without losing credibility. You don't argue with a Plaintiff about how much pain he has. You detail what he can still do, how often he sees a doctor, what pain meds he's on and how often he takes them. Let the jury conclude he's not in real pain and let him argue that it doesn't matter than he doesn't even take Motrin™ or Tylenol™ despite being in alleged constant pain.

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Somewhere along the way, many of us lost our imaginations. Remember elementary and middle school, where we painted and drew, wrote short stories and poems? Many of us put those days and activities away years ago, and never looked back. Look back. Take a drawing or painting class, take a fiction class or an improv class. Stimulating your imagination will help you view your cases in a new light and possibly lead to epiphanies for case themes or theories.

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When you first get a case, start thinking how you're going to present the case to the jury. You probably never will, because it'll be dismissed or settled long before, but it'll ensure you do what's necessary, avoid what's not, and put yourself in the best position to settle on your terms.

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Watching documentaries is a great training method for telling stories to juries. The best documentaries take complex issues, boil them down, and convey them in a simple, direct, interesting, and even entertaining way. Study why a given documentary works and apply those storytelling skills to your cases.





## Miscellaneous

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So, what's next? So your next move in the case is X. So, what's next? And what's next after that? Your next move in building your book of business is X. So, what's next? And what's next after that? Keep asking yourself in your cases, in your career and in your life—so, what's next? And what's next after that? And after that? And after that? And after that? There's 20, 30, 40 “what's next” questions.

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Follow the news. It facilitates conversations at events and cocktail parties.

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Being an avid reader can get expensive. Here are some ways to save money:

- E-books are cheaper.
- You can buy used books online.
- Don't overlook your local library.
- Develop a book exchange among your lawyer friends where each of you agrees to buy a certain book and exchange them.

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If you're a diverse lawyer, in addition to your own student debt, you may have an additional financial burden. For me, it's the Latin Tax. For you it may be the African American Tax. What I mean, is that if you're a first generation lawyer, and you have an extended family, you may find yourself helping family members with their bills. I get it. I do it too. That's what family is





for. If you find yourself with this family tax, even though it's hindering you financially, know you're doing a good thing and there are others like you out there in the same boat. Eventually, you'll get ahead of it.

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When you decide to chase your dream, understand you're taking on a second job. You'll need to keep your day job. You have bills. You have a family. You have responsibilities. And then you'll have a second shift—you're night job, you're weekend job, your night shift job, you're moonlighting job. If you don't have the grit and work ethic and discipline to work two jobs, you'll have a hard time getting your dream off the ground.

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Diverse lawyers often seek out other diverse lawyers because we regularly share certain life experiences. For example, I'm a Latino lawyer. The following are common experiences among Latinos:

- We have three generations living in our house.
- Everybody's business in the family is everybody else's business, even when you think it shouldn't be.
- Everybody's income in the family, is, in effect, shared to cover family expenses, including extended family expenses.
- Just getting up and moving to another city without everyone in tow, not so easy and frowned upon.

Many Latino lawyers know exactly what I'm talking about. I'm sure there are other attorneys who have similar experiences, but I find these experiences generally common among Latino lawyers and therefore it's easy to communicate with them because we have these common experiences and understandings. All this to say, when diversifying your firm, appreciate the experiences your diverse lawyers bring to the table and how they crave to communicate with others with shared and common experiences.

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Too many of us wait to give back. We go to school, then we work for ourselves and our families and then, and only then, do we give back. Don't wait to give back. You may not be around that long to give back. Giving back helps you find purpose, combat depression and anxiety, and fundamentally changes the trajectory of those you help.

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None of us needs more stuff. When gift giving for family, friends and clients, consider giving experiences—tickets to a show, registration for a class or a gift certificate for a dinner or outing.

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If you can afford it, treat yourself to some camera equipment this and start recording and uploading videos of yourself about your practice.

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Thinking of different gifts for loved ones? How about:

- A fiction writing class
- An improv comedy class
- A writing conference retreat
- Cooking classes
- Art classes
- Dance lessons
- A museum annual membership
- A monthly book, wine, or fill-in-the-blank club

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There's a difference between sacrificing and working hard to achieve your dream and sacrificing and working hard to achieve someone else's. The first one is a necessity. The second one is a tragedy.

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Next week is Thanksgiving. Can you believe how fast this year has flown by? If you're sitting down and thinking about what to send to friends and colleagues this holiday season, make a list of those who have positively influenced your life and career over the past year and send them a copy of your favorite book with a handwritten note thanking them. This gesture will mean a great deal to them and it's a beautiful way to thank them.

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Thanksgiving is around the corner. If there is someone from your firm who doesn't have plans this year, consider inviting them to your home for Thanksgiving dinner.

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Others either support your plans or hinder them. If your friends don't support your forward progress, then the proper designation for them may be acquaintances.

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Why would you work at cross purposes against yourself? Why would you create your own obstacles? That's what you do when you let fear and doubt control your thoughts.

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Control what you can—your worth ethic, your reactions, your attitude, your effort—and let the remainder worry about itself.

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I receive a lot of handwritten notes from others regarding my books, articles, posts and presentations. Each is very meaningful and important to me. Have that impact on others by buying stationary and sending handwritten notes to others.

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When others belittle my ideas, I take it as a lack of imagination on their part and not as an inability to make them a reality on mine.

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You're born with talent. You provide the hustle and perspiration.

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Atticus Finch is such a revered fictional character because he did what was right even though he knew he would lose. There is never doubt about the outcome of his case and despite that there is never doubt about Atticus doing what's right. We love Atticus as lawyers because we strive to do what's right even when doing what's right isn't expedient, isn't popular and doesn't make sense financially. Make sure you pick the right North Star and follow it relentlessly.

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We lawyers, from wherever we are in the world, share values—we want to zealously represent our clients—share dreams—we want to succeed in our careers—and share goals—we want to make an impact on others and on our communities. Wherever we may practice, we are not all that different from one another.

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I no longer work on flights. I used to open my laptop and log into the plane's Wi-Fi as soon as the flight attendant said I could do so and would work until the flight attendant told us to stow away our laptops. I found the experience—hunched over my laptop, with the passenger in front of me having leaned his seat all the way back and spotty Wi-Fi—an uncomfortable experience to say the least. About six months ago I decided I would stop working on my flights and use that time to read. I've found that I've read many books helpful for my practice and career and I simply catch up on work when I get to the hotel room.

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We all struggle with the same issues and concerns, share the same dreams and hopes and want the same things from life—to make something of ourselves, to make an impact and to make a difference.

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Much of life is struggling with and overcoming obstacles. That's why as parents we need to allow our children to struggle and fail, because protecting them from life will weaken them when they're adults and by then they're too old to run to us to rescue them. They need to have the experience, wisdom, and courage to save themselves.

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Problems don't go away. You address and resolve them or you ignore them and they fester and become bigger. Our society throws so many things at us to avoid our issues, our problems, our concerns and our pain. The best

way to overcome pain in your life is to address it head on and overcome it. Nope, not easy. Nope, not pleasant. The alternative? Much worse.

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In *Storm of the Century*, Stephen King wrote, “It’s a cash and carry world. Sometimes you pay a little. Mostly it’s a lot. Sometimes, it’s everything you have.” We all make choices, we reap what we sow, and we choose what poison, if any, we drink. Choices have consequences. To separate the two is to abdicate our responsibility.

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When I was a kid, I walked to our local library to get books. Today, we can buy books, any book we want, on our phones at any time, for much less than the hardcover version. Think about that for a second. Any book you want to buy at any time is right there, ready to be purchased and downloaded in seconds. As lawyers, it’s easy not to set aside time to read. We spend all day reading—cases, memos, emails, motions. But don’t overlook this amazing gift we have to read anything at anytime we want.

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We parents want to protect our kids from the world. To a degree, that is our moral obligation. To a degree, it is our moral obligation not to protect them. By protecting our kids from everything, we fail to teach them how to protect themselves. By reducing their fear, we are enhancing their fear when they are confronted by a situation that creates fear and they lack coping mechanisms to deal and address that fear. We parents, we have this dance, where we need to expose our kids to risks, failure, and disappointment while protecting them from certain dangers, so that they feel both safe and feel courageous, so they recognize fearful situations and know how to respond to them constructively.

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If I had to devise a college curriculum, I would start with the goal of building one that instills confidence, develops courage, and embraces risk taking. I would seek out teaching students how to speak, how to write, and how to communicate effectively. If someone graduated from my program and could grasp my hand firmly and hold a hand shake, make and keep eye contact with me, had their shoulders out, had a voice that projected, body language that owned the room, and could speak intelligently and confidently on most every topic, gently transitioning from one point to the next, holding court with diverse groups, arguing without being argumentative, sharing opinions while recognizing and appreciating the opinions of others—if such a student came forth from my curriculum, then I would know I settled upon the right one, the perfect one, a transformative one. That’s what I want for my boys and for all college students.

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We each have a North Star—we each have set our sights on a North Star. Some are worthy of pursuit, some are not. Some of us are purposeful about

pursuing our North Star, and some of us are not. We often think we just need to set a goal for ourselves and we can change our lives. What we need to do first is identify our current North Star, evaluate whether it is worth pursuing, and if not, choose the North Star that belongs to us, not to someone else. The first step in changing your life is not choosing your North Star. The first step is deciding whether to abandon your current North Star. Walking away may be the hardest decision you ever make.

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Sometimes we over think our decisions, concerned if we're making the right one. There is no way of knowing with a 100% certainty you are making a right decision. You gather as many facts as you can, you weigh the pros and cons, you evaluate the different paths and possible outcomes and then you decide, and you learn to live with your decisions, win, lose, or draw. Life would be boring if you knew the outcome of every decision you made before you made it. It would be knowing the score of every sporting event before you sat down to watch them or the ending of every novel and movie before you read or watched them. Life is uncertain. That's what makes it both maddening and beautiful.

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I discovered something today on YouTube. Let's say you want to read more self-improvement books (we used to call them self help books). You want to improve at work, at your career, your leadership skills, speaking and writing skills, etc. Well, self improvement books take time to read and the cost can add up. For those of you who have not found the time and have not wanted to spend the money on these books type the following search on YouTube: "Self-Improvement Book Summaries." Scroll down, and you'll find the most popular self improvement books summarized in 20 minutes or less. Of course, you're better off buying the books, but this is an interesting alternative. Also, there are several apps that summarize these books both in writing and in audio. Personally, I have yet to read a self improvement book that couldn't have been written in 20 pages or less so I'm predisposed to finding these summaries helpful.

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I got straight A's in school. Looking back, I wished I hadn't, because it wasn't until late in life that I learned to fail, recover from it, learn from it and build upon it. School doesn't teach us the importance of failure. It teaches students to avoid it at all costs, and in so doing, it teaches students to play it safe, avoid risks and avoid taking chances. Life is failing and learning and recovering from it. Let your kids fail. Let them learn from it. Let them grow from it. If not, you'll raise scared kids who will grow up to be scared adults.

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My mom always discouraged me from taking chances and risks and pursuing opportunities because she was afraid I would fail, fall and suffer

disappointment. Understand when loved ones discourage you from pursuing your dreams, they do it from a place of love. But your life is your life and there is no such thing as a risk-free life. Explain to them that you hear them, you understand why they're telling you what they're telling you, that you've weighed their counsel but you feel you need to take a chance or risk and if you don't, you'll always wonder what if, and you'll resent them for it. Live your life.

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A few thoughts on diet and exercise. After a long hiatus, I'm eating better and exercising again. There are a lot of fad diets out there. There is a lot of expensive exercise equipment out there and plenty of gyms and classes and programs that are happy to take your money. Now, I'm not suggesting you walk away from your meal plan or your gym, but if you have not settled on a plan, I have a few low cost suggestions:

- Create your own home gym. For under \$200, you can get a pull up bar, several elastic bands, a yoga mat, a medicine ball, a swiss ball, a jump rope, a basic set of dumbbells, and a home exercise book and work out at home. It's cheaper, faster, and more convenient.
- Dieting is simple. Eat fewer calories. Avoid fad diets and start by cutting out junk food, fast food, soda, and a few other items. And then you can remove some other items with your diet. Replace these items with vegetables, fruit, nuts, egg whites, and the like. Complex diets are hard to stick to. Keep it simple.

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You can tell a lot about a person by how they answer the question, "what books are you reading?"

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No one wonders why Tiger Woods isn't a painter or why Miles Davis wasn't a writer. Tiger golfs. Miles played jazz. You too have that one thing. Until you find it, you're going to remain frustrated.

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You can live a lifetime in a moment. Lives are lived in moments. In a moment, you can forgive, choose, change, get up, advance or stay put. In a moment, you can embrace a career or walk away from it. In a moment, you can choose a different path for your life and change its trajectory. Lives are lived in the little moments, in the quiet moments, in the moments many ignore and discard. Don't overlook the moments. That's where we live and die, grow and perish.

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