

INSIDE: New Business Development Secrets • The Value of Mentoring • Choosing a Public Service Career • And More

Delaware Lawyer

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CONTENTS



SUMMER 2015

EDITOR'S NOTE 6

CONTRIBUTORS 8

FEATURES 10 **Secrets of Business Development**
Larry Bodine

14 **May the Force (of Mentoring) Be With You**
Tricia A. Widdoss

18 **Bridging the Generational Gap:
An Honest Conversation**

24 **Called to Serve:
Why I Chose a Public Service Path**
Samantha J. Lukoff

28 **Of Counsel: R. Franklin Balotti**
Srinivas M. Raju

24



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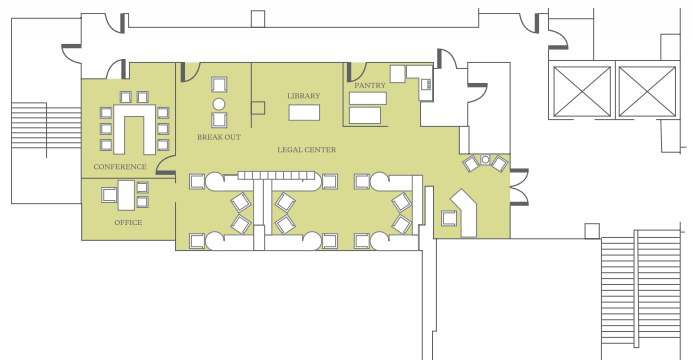
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James H. S. Levine

To a large extent, the issues confronting young lawyers today are similar to those faced by their predecessors. Education, training, professional development and advancement, and balancing work and personal obligations are all familiar concerns to lawyers as they embark on their budding careers.

But in several material ways, young lawyers today meet additional obstacles to those encountered by the generations that came before them. Technological developments in communication and the proliferation of online legal research tools have changed the game for all lawyers, but especially the most newly-minted ones.

Gone are the days of toiling endlessly in the stacks searching for a single case to support an argument. With access to nearly every published case just a few keystrokes away, today's lawyers are expected to find troves of support for positions in multiple briefs, all within a single day.

Similarly, the proliferation of email, smartphones and other technology has made the practice of law a 24/7 endeavor, and it is frequently the greenest team members who get the "pls hndle" email at 11:30 p.m. when the client or boss wants an answer by 9:00 the following morning.

The evolution of law firms and the adoption of stricter and more complex business models lead firms to maximize resources, and junior associates are stretched thinner as their time is in greater demand. This is even more pronounced among public interest and government lawyers, many of whose departments or agencies are fighting draconian budget constraints and have been forced to freeze hiring until more money magically becomes available.

And more young lawyers than ever are forced to perform under the added crushing pressure that comes from having had to borrow hundreds of thousands of dollars to put themselves through college and law school. While the salaries of many young lawyers have increased to enable them to satisfy these overwhelming debt obligations, salaries in smaller firms and public service have stagnated. The purchasing power (or debt-repayment ability) of those lawyers has decreased substantially over the past several years.

In this issue, several outstanding authors offer their insight on how to tackle these and other concerns. First, Larry Bodine shares his advice on how young lawyers can make the most out of networking opportunities to build relationships in anticipation of one day developing business.

Next, Tricia Widdoss discusses the value of mentoring in relationships among lawyers and the benefits that run to both younger lawyers and the more experienced practitioners who advise them.

Our third article envisions a conversation between lawyers of different generations, a discussion that ultimately leads each of them to gain a broader understanding of how the other thinks and approaches the practice of law (and life).

In the fourth feature, Samantha Lukoff relays why she chose a career in government service, and how that choice (and her subsequent decisions to remain in public interest) has enabled her to spread her influence beyond the practice of law and into the policy realm.

Finally, we close with Srinivas Raju's profile of R. Franklin Balotti, who recently retired after a 45-year career in which his achievements were many, but perhaps none so great and lasting as the impression he made on the generations of lawyers that came after him.

Henry David Thoreau famously said, "Every generation laughs at the old fashions, but follows religiously the new." The practice of law is evolving faster today perhaps than ever before and it can be challenging for lawyers, regardless of vintage, to keep up. We hope this issue will offer some insights to help young lawyers stick with the profession long enough to become old(er) lawyers, provide more experienced lawyers with some added insight into the perspectives and concerns of their younger colleagues, and enable all Delaware lawyers to work more collaboratively and with a better understanding of one another.


James H. S. Levine



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Secrets of Business Development

Insights and tips to
help younger lawyers
generate business
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from employees to
rainmakers.

There comes a day when you decide — or are told — to build your own clientele. Partners will no longer assign work to you and they will expect you to generate your own matters. For an attorney, this can be a chilling (or exciting) moment.

The key to survival is making the transition from worker bee lawyer to rainmaker, which can be done in steps. Fortunately, business development is a *learned skill* and is not necessarily an inborn trait. While more senior lawyers will often offer advice on business development, there are some principles to bear in mind:

- Business development is not a magic art.
- A charismatic personality is not required. Business development is easily done by introverts.
- You don't have to make cold calls or direct pitches. This is a relief because nobody went to law school to become a salesperson.
- You won't have to enter a giant room full of unknown people and expect to find a new client.

It *is* a transition, however, because lawyers are trained to be worker bees — cranking out billable hours and learning the law. Happily, a lawyer's profes-

sional skills and traits, such as being organized, analytical, hard-working, a good listener and a skilled questioner, can translate directly into business development skills.

All rainmakers are unique. Some are extroverted while others are quiet and studious. Some look like movie stars and other look like suburban moms and dads. The characteristic they all possess is that they have a lot of relationships.

Getting new business means building relationships. You can spend money on advertising, public relations and directories, and they will make you better known in your market. But new business actually comes from person-to-person interactions. Nothing beats having relationships that generate new business.

Business Development is Seeking Opportunities to Help Somebody

You can accomplish this by finding out enough information from another person to see how you can be helpful to them. I mention this because you're going to find yourself in many business

development situations. You may find yourself in front of a client who needs more services. You may find yourself in front of somebody who could be a good referral source to you. Or you may find yourself in front of a potential client.

Unless you start to see business development as an opportunity to help, you will naturally fall back on bad habits, such as trying to promote yourself or sell the other person.

A good analogy is to market and sell like a doctor. As you sit in the examination room, the doctor focuses on you, the patient. The doctor asks you a series of diagnostic questions and zeroes in on, “Where does it hurt? What are the points of pain?”

The way to do this as an attorney is to focus on a potential client and ask a series of questions to probe for business problems. For example, ask, “I just read an EEOC report that says employee discrimination complaints are rising. Is this an issue you have to contend with?” Or, “The Chamber of Commerce says that disputes with suppliers are a primary drain on company profits. Has this come up in your industry?”

You are asking diagnostic questions to find out what “pain” they have. If it’s a pain you can relieve, you’ve just opened up a new matter.

The core element of this approach is “no pain, no sale.” If the potential client doesn’t have a business problem or business pain, so to speak, they’re not going to buy anything from you. Remember, legal services are bought, not sold, so your goal is not to pitch, it is to inquire. It’s an interview.

Business Development is Most Effective in Person

New business does not come in second hand — it comes in through personal, face-to-face business meetings arranged with the aim of developing a relationship. The cardinal rule here is that you will likely have to leave your office. You don’t build a relationship by sending emails, PDFs and Federal Express packages back and forth.

The best place to start is with current clients. They are the low-hanging fruit.

New business does not come in second hand — it comes in through personal, face-to-face business meetings arranged with the aim of developing a relationship.

These are people with whom you (or your firm) already have a relationship. They trust you; they like you; they’re already sending you checks. It’s much easier to generate a new matter from a current client than to bring in a brand-new client with a legal issue.

However, an attorney has to be in touch with that client. You have to meet them face-to-face, not talking about the current matter, but inquiring into what’s going on with their business. Knowing a current client well will lead to new business. It all begins, of course, by excelling at legal skills. The next step is to conduct a friendly interview of the client about their *business* (not their legal work). Clients like lawyers who know their business.

The interview can be done over breakfast, lunch or at an in-person visit to the client’s office. The point is to learn how the client makes money and which of their activities lead to disputes. A great way to bring up the topic is by attending a meeting of a trade association to which the client belongs.

At the client meeting, don’t bring anything with you — no brochure or handout. Just ask questions and avoid making a pitch. Give verbal and visual cues that you are interested in what they are saying. This will enable you to develop a relationship that will cause the client

to think of you when they need a lawyer.

Market Yourself Within Your Firm

Don’t expect the firm to market you — you must take the initiative. Look for other lawyers who want to co-market with you — your best ally may be just down the hall. And your next new client may be an internal client.

When it comes to business development, find a partner that does the kind of work that you enjoy and recruit them as a mentor. You have to be the eager, inquisitive lawyer who approaches an experienced partner and, in so many words, says, “I want to be like you. I want to have my own clientele. I want to learn how you generate new business and I’d like to meet some of the people that you know.”

Learn how the partner built their practice. Find a way to make yourself useful to that partner and request to join them in informal meetings with clients. As Yogi Berra said, “You can observe a lot by just watching.”

Build Your Network Outside the Firm

Start building a network with your current contacts. Reflect on all the people you’ve gotten to know over the years — college, law school, professional and social connections — and target the movers and shakers. Get to know your counterparts at your clients. They may be junior executives now, but one day they will move up the ranks. These are the people who may ultimately lead you to new clients.

Spend time with these people and do it on their schedule. Take the time they have available, whether lunch, dinner or even a cup of coffee on the way to work. Learn what they do for fun and suggest an outing together so that you can really connect with them. Multiply your opportunities by introducing one contact to another.

Look for the gaps in your network and fill them in. If you know a lot of other lawyers, financial advisors and real estate brokers, make a point to get to know more business owners, association leaders or executive recruiters.

LinkedIn is an excellent way to make new contacts. It is by far the most

popular social network with lawyers. According to the American Bar Association's 2014 Legal Technology Report, an overwhelming majority of attorneys have a LinkedIn profile:¹

- 99% of respondents from firms of 100+ attorneys
- 97% of respondents from firms of 10-49 attorneys
- 94% of respondents from firms of 2-9 attorneys
- 93% of solo respondents

Start by creating a detailed profile with a professional, color picture. Next, search LinkedIn Groups to find a collection of attorneys or local businesses and join it. Begin checking the discussion topics every day and add an occasional comment.

Once you become familiar with the culture of the group, start a discussion of your own, based on a new development that you have discovered. Pay attention to others who start discussions and make comments and connect with them on LinkedIn. Before you know it, you'll have a relevant, useful set of connections.

Make Sure Your Bios are Constantly Updated

Tune up all your biographies – on the firm website, LinkedIn and any other social media platforms you use – so they are best designed to attract clients. Today, the vast majority of potential clients will check out a lawyer's website before retaining the lawyer.

Emphasize the points that clients are looking for:

- Familiarity with particular industries.
- A representative list of clients you've worked for.
- The results you've obtained.

An effective biography should be 300 words maximum. Skip the boilerplate section about where you're admitted and the bar associations to which you belong. Instead focus on client service — describe how well you explain options to clients. It helps to include just a little personal information — es-

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pecially charitable work or an activity with which people can identify.

Maximize Your Associations and Your Roles in Them

Get active in an association of clients. Your goal is to be visible in the organization, not warm a chair. It's no good just being a face in the crowd or attending some of the meetings; you need to attend all of the meetings. Ideally, it will be an organization that is composed of clients and not competing lawyers, or a civic organization that has many businesses or leaders of industry as members.

Examine all of the organizations with which you participate, start to trim the number in which you're active, and pick a select number as your "majors." Don't make the mistake of joining lots of organizations or your efforts will be spread thin. A good way to pick a group is to ask clients which meetings they attend.

Your mission is to win a place on the board of directors, because everybody in the organization knows the board members. Start by asking the president for a chore you can do. The president will reward you with a committee appointment. Once you are on a committee, your goal is to become the chair. Another way to start is to offer to write for the newsletter, with the goal of becoming the editor. Offer to speak to the group, with the goal of becoming the program chair.

It is in these organizations that you

will develop opportunities for public speaking, which is one of the best ways to generate business. Being the speaker in front of a room makes you an authority. As an introvert myself, this was hard for me at first. But I made a point of attending many speeches at conferences, *studying the techniques* of engaging speakers and incorporating them into my own repertoire.

Once I developed confidence, I volunteered to speak at meetings of clients and was always impressed how effective a public speech is in developing new work.

Make Appropriate Use of Social Media

You may have dabbled with Facebook or Instagram, but this time it's different: you are being active for business development purposes. Again, the best place to start is on LinkedIn, where you can demonstrate your expertise in many ways:

- Write an article and publish it on your profile.
- Record a quick video at your desk about a hot legal topic.
- Contact the owner of a group and volunteer to be a moderator (a great way to make contacts).
- Get to know other people in the group and network with them, actively or passively.

Yes, You Can

It may feel overwhelming as you start your journey to becoming a rain-maker. But if you approach it one step at a time and break things down into specific steps and activities, you'll start to get results. The trick is to prune away less productive activities and treat business development just like billable work because it's that important to your career.

And the best time to start is today. ♦

FOOTNOTES

1. Stephen Fairley, *How Attorneys Are Using Social Media in 2015*, The National Law Review, Feb. 20, 2015 (citing American Bar Association 2014 Legal Technology Survey Report).

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May the Force (of Mentoring)

You don't have to be
a Jedi warrior
to benefit from the
instruction, experience
and wisdom of
a trusted mentor.



Be With You

Recently, I enjoyed a night out at a dine-in movie theatre with my three school-age children. After a chaotic 20 minutes of placing orders, ensuring that tray tables were at the ready, unwrapping utensils, explaining that no, this was not the theatre with reclining seats, and admonishing (with limited success) all three about repeatedly hitting the attendant call button, I was finally able to settle in and watch the previews.

To my great delight (as a longtime fan of the franchise), I was able to see the big screen trailer for *The Force Awakens*, the next installment in the *Star Wars* series. When Han Solo and Chewbacca appeared at the end of the trailer, excited murmurs and even a few cheers were heard throughout the theatre.

As we drove home that evening, my children asked me why the *Star Wars* movies engender so much excitement, which led to a lively discussion about a number of related topics, one of which was Yoda, the great “Jedi Mentor.”

So, in honor of my padawans and the December release of the next installment in this iconic movie franchise, it seemed timely to revisit a few of the great mentoring takeaways from the *Star War* trilogies.

The First Mentor

*“A long time ago in a galaxy far, far away ...”*¹

Much like the story of the Jedi, which occurs long ago and far, far away, the concept of mentoring has historic roots that date back to the ancient Greeks and Homer’s *Odyssey*, where the character “Mentor” is introduced as a trusted adviser and teacher.²

During childhood, we all benefited from the wisdom of the adults around us who offered (both solicited and unsolicited) guidance and advice about life and growing up. For the most part, this mentoring circle — our parents, caregivers, teachers, coaches and counselors — forms as a result of pre-defined societal roles.

Our need for guidance and advice continues as adults, especially as we

transition from student to professional. The mentoring circle expands to include a new category of trusted advisers, those to whom we look for aid in understanding and developing the skills and knowledge that make us successful in our careers.

This is especially important in the legal profession, where the foundational teachings of law school, while important for a substantive understanding of the law, cannot fully prepare a new lawyer to practice. In an insightful recent article in *The Bench*, a publication of the American Inns of Court, H. Garrett Baker and Yvonne Takvorian Saville wrote the following about admission to the bar:³

There is no bright light infusion of knowledge that is bestowed at that moment. Indeed, many of us had very little familiarity with the legal field prior to embarking on our legal education; and none with the practice of law.

The Benefits of Mentoring

*"Pass on what you have learned."*⁴

Mentorship is defined in many different ways, but always includes a sharing of knowledge, skills and wisdom between the mentor and the mentee. In the legal profession, mentorship usually focuses on a combination of attorney integration and inclusion, skills development and career enhancement. The mentoring relationship, however, encompasses so much more than this broad categorical summary. A wise mentor of mine describes the relationship as follows:⁵

Mentoring is a caring relationship built upon trust and mutual respect in which a senior colleague imparts knowledge and practical advice to spark the professional development and confidence of the associate.

Mentoring assumes the delegation of meaningful opportunities of increasing responsibility to the associate and corresponding honest feedback, both constructive and positive, from the mentor.

The mentoring relationship should be open and candid, allowing both

Mentoring is a caring relationship in which a senior colleague imparts knowledge and practical advice to spark the professional development and confidence of the associate.

complex and the most basic questions to be asked and answered.

The amount and frequency of guidance may differ, but there must be a personal connection through regular communication and contact for the relationship to work.

It should be understood that the mentoring relationship is a journey with ups and downs in which the mentor's goal is to inspire the associate to progress to the next high level of competence.

Embarking on a new career path or transitioning into a more senior position in an existing career is often equally exciting and anxiety-provoking. Productive mentoring relationships play an important role in ensuring that attorneys do not find themselves without the support, community and skills that they need to be successful in their organizations.

Regardless of whether they are formal or informal, strong mentoring relationships help organizations enhance recruiting initiatives; streamline attorney integration; align benchmarking goals with skills development; increase engagement and retention; develop leaders; implement succession plans; increase cultural awareness, diversity, and inclusion; and bridge generational differences.

Developing the Mentor Relationship

*"I've been waiting for you, Obi-Wan. We meet again, at last. The circle is now complete. When I left you, I was but the learner; now, I am the master."*⁶

With the benefits of mentoring now widely known, many legal organizations have developed programs that pair new lawyers (or others new to the organization) with one or more experienced mentors. These mentoring programs are often initially focused on orientation and integration and begin just prior to or as the new lawyer joins the organization.

As the lawyer moves into the mid-level years, these programs become less formalized, allowing previously structured mentoring relationships to evolve naturally to address the specific needs of a particular associate. Relationships at this level now focus on enhanced skills development, a passing of knowledge and expertise from a more experienced professional to an apprentice.

As the lawyer transitions into a senior associate, the mentoring relationship transitions as well, with the mentor now becoming a champion or sponsor for the mentee's career advancement. During this evolution, the mentee learns the art of mentoring from the mentor. Ultimately, the circle is complete and the mentee becomes his or her own legal master.

So how do you find your Jedi Mentors? First, remember your childhood. It took a team of mentors to help you develop into an adult. Expect the same during your professional career. You may need a counselor to help you determine your career path; a teacher to help you understand the nuances of crafting a persuasive argument; a coach to make you edit merger agreements until you memorize the specifics of every variation of a particular provision; and a caregiver to remind you to have fun, think creatively and harness your youthful energy.

Second, periodically assess your career goals and the role that different mentoring relationships may play in helping you achieve these goals. This self-awareness will aid you in identifying your mentoring needs and expanding

your mentoring circle to fit those needs.

Third, be proactive. Take advantage of your organization's mentoring programs, but also look for opportunities to meet, get to know and work with potential mentors, both in your organization and in the larger legal community. Some mentors are obvious, but many are not. Like Luke Skywalker, you may be surprised at what you find when you look.

Maintaining a Successful Mentoring Relationship

*"Do. Or do not. There is no try."*⁷

Mentors volunteer their services because they recognize the benefits of a productive mentoring relationship and are fully committed to the professional development of their mentees. Notwithstanding this commitment by their mentors, some mentees find they have difficulty establishing or maintaining relationships with their mentors. What can you do to ensure that

Be a worthy mentee by demonstrating your commitment to the process and the relationship.

you have a productive relationship with your mentors?

First, be realistic. Like most relationships, mentoring relationships require work. In her well-known book, *The Lawyer's Guide to Mentoring*, mentoring expert Ida Abbott highlights five key practices that mentees should undertake to ensure successful mentoring relationships:⁸

- *Initiative.* Be enthusiastic about mentoring. Create opportunities to interact and/or work with your mentors.
- *Goal setting.* Take a thoughtful approach to mentoring. Be self-aware and know your short- and long-term goals and what you hope to accomplish in your mentoring relationships.
- *Receptivity.* Seek out, be receptive to, and consider advice and constructive feedback from your mentors. You do not need to accept it all, but be respectful and open to the possibilities suggested by your mentors.
- *Worthiness.* Mentoring is a commitment. Be a worthy mentee by demonstrating your commitment to the process and relationship and your potential for personal and professional growth and development.



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• *Appreciation.* Thank your mentors. Never take for granted the importance of recognizing your mentors for their role in the relationship.⁹

“Do” be prepared to undertake these best practices and to work hard to create and maintain a successful mentoring relationship. Mentors are accomplished individuals with limited time. As a result, the burden of maintaining mentoring relationships often falls more heavily on mentees. Commit to the process and carry the burden when necessary to guarantee successful relationships with your busy mentors.

Second, be creative. Modern mentoring relationships may span floors, offices, states and even countries, not to mention generations, cultures and ideologies. The traditional weekly in-office mentoring meeting may not be feasible or productive. Think creative-

**If a mentoring
relationship is not
working, change it.
Make sure
you've found
the right partner(s).**

ly about your mentoring goals, your mentors' role in helping you achieve these goals and alternative means of connecting.

Does your mentor work through lunch so that he/she can leave earlier in the evenings to spend time with family? Suggest a breakfast meeting or a quick

walk to the local coffee shop. Does your mentor travel frequently? Offer to work on a pro bono project, bar service initiative or community activity in which your mentor is involved. Does your mentor work in another location? Connect through videoconferencing or email.

“There is no try.” Lastly, embrace change (and create it when necessary). There are many different types of mentors and mentoring programs. Expand your mentoring circle as appropriate for your evolution as an attorney and embrace opportunities to incorporate new mentors and types of mentoring relationships into your professional development.

If a mentoring relationship is not working, change it. In my experience, dissatisfaction with a mentoring relationship is rarely one-sided. It takes two

See **Mentoring** continued on page 26

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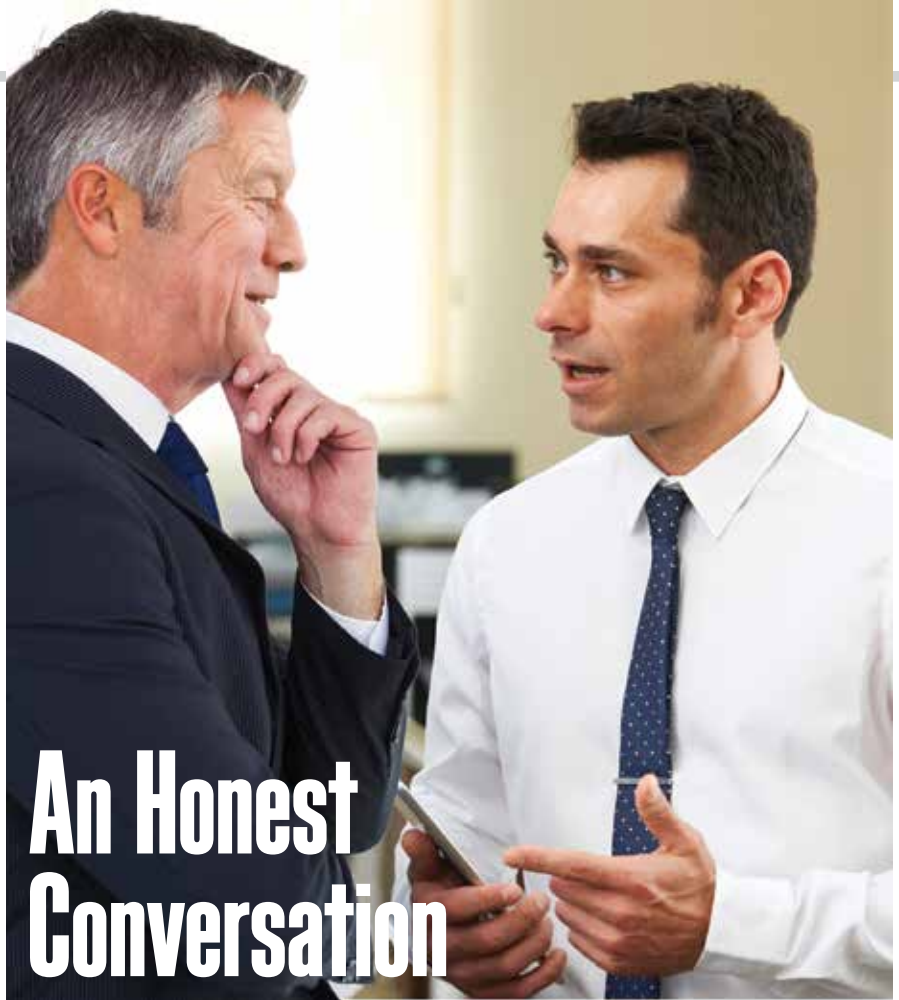
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Bridging the Generational Gap:

An Honest Conversation



An imaginary encounter between an older and a younger lawyer captures a clash of perspectives.

Editor's Note: This article is an abstract frank discussion between two fictional lawyers whose approaches to their profession demonstrates some extreme stereotypes that younger and older lawyers may hold about each other. The fictional participants are not intended to depict "right" or "wrong" beliefs; rather their portrayal is intended to highlight differences in perspective and how lawyers of all generations can learn from one another. The content was inspired by input from dozens of Delaware lawyers, younger, older, and everywhere in between. *Delaware Lawyer* thanks those who helped develop this article with their survey and interview feedback on matters of importance to younger and more experienced lawyers alike.

Older Lawyer (OL): You're late.

Younger Lawyer (YL): Hi. Did you get my email? I said I might be a few minutes behind. Wait... it's 11:00 exactly. I'm right on time.

OL: You're late. You should always be 5 to 10 minutes early for an appointment.

YL: So because I'm not early, I'm late? I'm right on time. Did you get my email?

OL: How would I have received your email? I'm not in the office.

YL: Don't you have a Blackberry or an iPhone?

OL: I do have a Blackberry, but I leave it in the office. I don't want to be bothered when I am in meetings or at lunch.

YL: I'm just saying, if you had your Blackberry, you would have seen my email and known that I might be late. Which I'm not.

OL: You are late, but it's beside the point. What did you want to meet with me about?

YL: Well, I was hoping we could discuss my professional development. I've been working here for a few years now, and I feel like I'm learning a lot and improving my skills, but I wanted to ask how you think I'm progressing.

OL: Don't you have performance reviews? I thought I answered some questions about your work a few months back.

YL: Yes, I do have annual evaluations, but I was hoping for some more targeted input. Whenever I email you and other partners my assignments, I always ask for feedback, but hardly anyone ever responds.

OL: You still have a job, don't you? And partners still give you work? That indicates that your work is adequate.

YL: Adequate. Thanks. That's both inspiring and informative. I think I'm looking for something more substantive than "adequate" and the standardized, generic language in my evals. I'd like to really know how my work is developing. I'd like to have an honest conversation about it.

OL: Honest. We can have an honest conversation. When I have questions or follow-up for you, I ask. But you can't ask every lawyer you work for to give you detailed feedback on every assignment, no matter how small. It isn't a good use of anyone's time.

YL: Helping me develop as a lawyer isn't a good use of your time? I don't know how to respond to that. I understand that you work with a lot of junior lawyers, and I'm not looking for a Yelp review of each memo. Just to know that you and the others that I work for are pleased with the work I produce.

OL: I think your work is fine, and as you get more experience, it will get even better.

I understand that
times have changed,
but I challenge whether
the practice of law
and clients have really
changed that much.
Clients still have legal
problems, big and
small. Lawyers still
need experience.

Younger Lawyer

YL: I would like more experience. That's been a big frustration for me. I feel like I'm ready to do more than I'm doing now. Learn new things. Work on more complicated assignments.

OL: Those things come in time. I know it can be frustrating. Why, when I was a young lawyer, not much older than you are now... Did I ever tell you this story?

YL: About when you tried a case solo when you were three years out of law school? And how you won? And how Chancellor Seitz commented that you did an excellent job?

OL: Yes, that's the one.

YL: You may have mentioned it a few times...

OL: Honest indeed.

YL: I get it. You're proud of your accomplishment. You should be. It's a huge one. But that's exactly what I'm talking about. Those are the kinds of opportunities my peers and I want. Not that I'm asking to try a case tomorrow,

but I'd like to know that you and the others would give me similar opportunities.

OL: It's different now. The practice of law is different. Clients are different. Those kinds of opportunities for junior lawyers are seldom if ever available.

YL: So you've said. I understand that times have changed, but I challenge whether the practice of law and clients have really changed that much. Clients still have legal problems, big and small. Lawyers still need experience. Didn't you say that the best way to get experience is to go out and do something?

OL: Of course I said that, but you're wrong about the practice and clients. Clients have always been concerned about the bottom line. It was true when I was a junior associate and they still want to minimize their legal expenses now. But they also want something done right the first time. They don't want to pay for a junior lawyer to work and for me to babysit and make sure it doesn't get messed up. Or to fix it if it does. They'd rather pay once to have it done correctly.

YL: But isn't part of the responsibility of being an experienced lawyer to teach and advise junior lawyers so we can gain that experience? Otherwise who will follow in your footsteps when you retire?

OL: I have no plans to retire—

YL: Yes, you've mentioned that too.

OL: As I was saying. I have no plans to retire, but when I do, I will make sure that those who come after me are up to the task, and are prepared to pick up seamlessly where I've left off. It is what our clients deserve.

YL: All I'm saying is that junior lawyers want opportunities. They don't have to be exactly the same as the ones you had at exactly the same time. We want to develop our skills so that we can be better lawyers. To run deals, argue motions, take depositions, and

even try cases. We have our futures to think about.

OL: Your future? Your future will be fine.

YL: That's easy for you to say. I worry every day about the future. If I lose my job, what will happen to me and my family? Whether I'll be able to find another position that I enjoy. How we'll make ends meet.

OL: Make ends meet? We pay you more than enough that you should have large savings set aside.

YL: I am paid well, and I appreciate that. But surprising as it may be, we live largely paycheck to paycheck.

OL: How is that possible? You make more than the partners did when I was an associate.

YL: I don't know about that, but between the mortgage, living expenses, childcare, and student loan payments, it's not easy to get ahead.

OL: Childcare expenses? I thought you were married. My wife raised our children and I wouldn't have had it any other way.

YL: I am married, but we both work. Our careers are important to us. And even though we're both lawyers, we decided that with the kids, one of us needs to have a job with more flexibility. Unsurprisingly, that person makes substantially less. Factor in two sets of student loan payments on law school tuition and living expenses, and we're essentially paying for a mansion that we don't get to live in, primarily on my salary.

OL: I still remember paying off my loans. It took me nearly four years of hard work, but I was so pleased with myself afterward. I don't see any reason why it should be so much more difficult today.

YL: Well, you may not have heard, but since you went to school, college and law school tuition has skyrocketed.

Law school today costs more than 12 times what it did 30 years ago.¹ I probably paid more for one semester of law school than you paid for your entire education.

OL: And that's why we compensate you so favorably.

YL: Thanks for the reminder. You do understand that when you calculate the number of hours junior lawyers work at large firms, the average hourly rate is closer to a government salary, right? It's not like this is a 9-to-5 job. You pay us well, but you also expect us to put in 60-to-80 hours a week on average. If I don't respond to an email at 11:30 p.m., I have to explain why not in the morning.

OL: Great rewards come with great expectations.

YL: How about reasonable expectations? How about a work-life balance?

OL: Work-life balance. All we hear about from your generation is work-life balance. If you work hard, you are compensated well and you can afford to have nice things in your life.

YL: I don't think it is unreasonable to expect to have my evenings and weekends free, aside from the rare emergency. Having time to pursue outside interests makes lawyers more balanced and well-rounded. Particularly those of us with families. It is hard to be happy and productive in our jobs when we have spouses and children at home that we never get to see. Also, the quality of our work will improve because we will be more well-rested and able-minded to tackle tough problems.

OL: Reasonable. Unreasonable. The practice of law is a service industry. Lawyers sometimes lose sight of that, but it's true. We exist only because of our clients, and we must meet their expectations. When clients are demanding, we must rise to the occasion. That sometimes means working nights and weekends.

YL: But the time demands are just not workable. You want answers right away, to complicated questions that are often answerable only by analogy. When you wait until the evening to ask for a case in a unique fact pattern that stands for a very specific proposition, and ask for the research first thing in the morning, you have to know that it kills any hope we have of going home and spending time with our families.

OL: We all did it as junior lawyers. I spent years working until 10:00 or 11:00 most nights, having dinner at the Columbus Inn with my colleagues, and then going home. Many senior lawyers still work those hours. And with the rise of the technological advancements which you seem so eager to embrace when they serve you, you can work as efficiently at home as in the office. Or so you and your colleagues claim when you say you're "working remotely."

YL: Yes, technically we can work from home. But when partners cruise the hallways in the evenings to see who is in the office and who is not, and when associates get feedback questioning their "commitment to the firm" because they are not in the office at all hours of the day and night, that does not contribute to balanced lives for junior lawyers.

OL: Work-life balance is a myth. We balance ourselves to meet the expectations of our clients. Otherwise we're all out of a job.

YL: I understand client expectations, but when the client says they're fine with the answer by the end of the week, while the partner still wants the research done by first thing Tuesday morning, it's hard to see why the rush is necessary.

OL: That's because you think it is all about you and your schedule. Perhaps the assigning attorney will be in depositions for several days. Or has a brief due in another case. Or has had other conversations with the client to which

you were not privy. Or any number of other possible reasons. Regardless, the assigning attorney needs to manage his or her other commitments while scheduling enough time to review your research and follow up with you if anything is unclear, or if further research is necessary. Seldom are assignment deadlines artificial.

YL: I suppose that's possible. But it is frustrating to turn in a memo to meet a rush deadline, only to have it sit on someone's desk or inbox, unread, for days or even weeks at a time.

OL: While that may happen on a rare occasion, more senior attorneys have many of the same types of commitments that you have. Many of them work the same nights and weekends that you complain about, and have done so for much longer than you can imagine.

YL: I suspect it is easier to work some evenings when you're at a dinner or reception for "business development," or playing golf on the weekend with a client.

OL: Easy? Business development is not easy. There is never-ending pressure to bring in work. We need matters to keep you and your colleagues busy, so you are able to pay the mortgage and the daycare bills and the loans.

YL: Not easy? Isn't it just a lot of drinks and handshakes?

OL: There are cocktails and there are handshakes. But that IS the easy part. The hard part is initiating the conversation. The hard part is making the pitch. The hard part is closing the deal and trying to put a bow on it before a competitor comes along and tries to talk the client in another direction.

YL: Hasn't social networking replaced a lot of that? Don't clients find you through the website and LinkedIn?

OL: You can't possibly be so naïve as to think that potential clients just browse the Internet and pick their lawyers

**All the social
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cannot replace
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face-to-face and
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about real issues.**

Older Lawyer

based on some articles they wrote and because they like their website photo. All the social networking in the world cannot replace the value that comes from meeting someone face-to-face and having a real discussion about real issues. Isn't that why you asked me here today? Your social networking cannot and will not replace real, tangible networking.

YL: I guess I never really thought about it that way. Perhaps if you and the others included me and other junior lawyers in these discussions we would be more attuned to the process and understand better how it works.

OL: This one isn't about me. The best way to learn how to network is to go out and meet people. Talk to your law school friends. Talk to your college and high school friends. Join a bar association committee or a trade association. Anyone can be a potential client; but you'll never meet them and impress them through a "friend request."

YL: But I thought the best business development tool is my existing relationships. If I'm supposed to leverage

my contacts to generate leads and ultimately new matters, and my contacts primarily network via social media, why won't that be successful?

OL: One day, maybe. But now, even though your contact may be a savvy online marketer, that person is probably not the decision-maker. The decision-maker is likely to be someone who is older, more experienced, and who does not exclusively look for lawyers on the Internet. I suppose it is possible that things may change in the future, but for now, real-life personal relationships get the job done, not virtual relationships.

YL: Then what would you suggest? You've obviously been successful at developing relationships. What can a younger lawyer do to develop business?

OL: I already told you. Reach out and develop your existing contacts, but do it with a phone call or lunch, not a text message or an email. People hire people they like, and when clients have questions, often they will want to discuss over the phone or in person, rather than in an email. It is important to get to know them on a personal level, to understand how they think. Whether they are practical or more cerebral. Whether they are sarcastic or lack a sense of humor. You cannot build that relationship in 140 characters, and humor and sarcasm are often lost in email.

YL: Speaking of clients, how is the firm doing financially?

OL: That is a very direct and abrupt question.

YL: Yes, but an important one I think. I read about industry news. I see how many firms are struggling financially. It's scary, particularly for younger lawyers with lots of financial commitments. We have a lot riding on the success of our organizations, and I don't think it's unreasonable to ask how secure we should feel in our jobs, and by analogy, in our lives.

OL: Things are fine. You shouldn't concern yourself with such matters. Just concentrate on developing your skills and leave the finances to the partners.

YL: That's the thing. You may not think that junior lawyers should know things about the firm's finances, but when we can't help but hear conversations in the hallways, we think about it. And when those conversations are about uncollectible receivables and possible budget cuts and "staffing issues," we worry about it.

OL: If the firm is in trouble, we'll let you know.

YL: Will you? Or will I get a call one day that the firm is downsizing and that there just isn't enough work for everyone, and while everyone likes me and I do good work, my place in the future of the firm is no longer secure? I un-

derstand that legal hiring and staffing are different today than when you were more junior, and that loyalty doesn't go as far as it used to, but no one wants to be blindsided.

OL: You're right about one thing. Loyalty doesn't go as far as it used to. Junior attorneys these days jump from firm to firm, trying to get incremental pay increases and signing bonuses. Partners even do it when they are promised high guaranteed salaries. But that kind of movement breeds skepticism within firms. Why should we expend the time and energy to train and develop associates who are going to stay with us for two years and then jump to the firm down the street for a small raise, often damaging the relationships they have built here? As you know, we still do it, but this new approach to legal hiring

and career "development" leaves much to be desired in my book.

YL: There is sometimes a lot of movement among junior lawyers. I'll give you that. But it's not fair to say that it demonstrates a lack of loyalty. Sometimes junior lawyers see that their future may be somewhere else. Sometimes they want to work closer to home. Sometimes they want to try a different area of the law, which their firm does not offer. Rightfully or wrongfully, sometimes they think an influential senior lawyer doesn't like them and may impede their progress. Maybe there are several other lawyers at their level, and not everyone can advance. Some feel it is better to leave on their own terms than to wait for "the conversation." And yes, some do leave for more money. But to categorize all lawyers who leave as disloyal is unfair.

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OL: In my day, the reasons to leave your firm were few and far between. If you wanted to run for office, to become a judge, or if a client asked you to become their general counsel. That was it.

YL: I think you're forgetting all the lawyers who left because they were asked to leave.

OL: That did happen, but not often. You joined the firm, worked hard, made partner, and we were all in it together.

YL: It was a different time. Lawyers were more loyal but so were firms. Firms didn't overhire and then actively seek to thin the associate ranks out after a few years. Commitment and loyalty have to be two-way streets. If junior lawyers feel unappreciated or as though their time is limited, they have to look out for themselves.

OL: So you've been told?

YL: So I've been told.

OL: Firms were different. Lawyers were different. The practice of law was different. But as I am reminded every day working with younger lawyers, things do change. Suits and dresses have yielded to khakis and polos. Handwritten notes have become emails, and lunch is a solitary endeavor at one's desk rather than a social experience. And as I am learning, change is the wave of the future. For better or for worse, I suppose the choice is between evolution and extinction.

YL: If you can call that a choice. So we may not agree on everything, but one thing that is clear is that we all want to be the best lawyers we can be. We just may have different ways of approaching it. Younger lawyers want to succeed,

and we need your help to do it. And as much as I hate to admit it, you do make some good points.

OL: I'm glad you can see that. I know it may sound trite, but we worry about your generation of lawyers. So much depends on knowing and understanding the past, and it's crucial to have an understanding of where we've come from to know where you're going.

YL: And to be there 5-10 minutes early.

OL: Now you're getting it... ♦

FOOTNOTES

1. <http://www.lawschooltransparency.com/reform/projects/Tuition-Tracker/>. From 1985 to 2013, in-state tuition at public law schools increased from approximately \$2,000 per year to approaching \$24,000, an increase of nearly 12 times.

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"I was having a better time at my job than were those of my peers who had opted for private practice. Life as a public servant was more interesting. The work was more challenging. The encouragement and guidance from good mentors was more genuine. And the opportunities to take initiative and to see real results were more frequent."

— Associate Justice Sandra Day O'Connor (Retired)¹

Growing up, I never had aspirations of becoming a lawyer. I knew that I wanted a career that would enable me to help others and to have an impact on the world around me, but of all the possible paths, I never really considered the law as an avenue to that goal.

Working as a public servant for the past decade has allowed me to pursue my desire to live an impactful life while using my law degree and legal experience to propel me through a series of rich, meaningful and varied positions in the public sector.

I have often been asked why I chose public service in lieu of a (let's face it – more lucrative) law firm or in-house counsel position. While there are a myriad of reasons why the public sector is the right fit for me, the three most prominent considerations that

have kept me in public service for a decade are the desire for my work to have an impact on my community, the opportunities for career advancement, and the ability to achieve a life-work balance.

A Meaningful Choice

My desire to help others started from a young age and stemmed from having an older sister with an intellectual disability. I played an advocacy role for my sister long before I ever made a conscious choice to do so.

My first job out of law school, working as a Deputy Attorney General, allowed me to merge my desire to help others with my propensity for advocacy through my work on behalf of victims of crime as a prosecutor for the State of Delaware. I represented the interests of the People, and especially those



BobCraigPhoto

who had been victimized by strangers, taken advantage of by friends or colleagues, or abused by loved ones.

Speaking on their behalf, especially when they were unable to speak for themselves, was an amazing feeling. I worked to calm their fears through an intimidating (and sometimes arduous) court process and did my best to gain reparations for what was often the worst experience of the victim's life. I felt as if my work mattered, not only to the victims, but also to society-at-large, by bringing those who had harmed the community to justice for their criminal and destructive acts.

In every position I have held throughout my years in public service, the feeling that I am doing meaningful work is what drives me. It is especially important for me to know that the hours that I spend at work (which can sometimes be as long and demanding as those of my private practice colleagues), away from my family and friends, are purposeful and impactful.

I believe that my work makes our community a better, safer place, and that is the main factor that has kept me working diligently and happily in public service.

Opportunities Abound

In addition to doing important work, another advantage to being a public servant is the innumerable opportunities available to attorneys within the public sector. My service has taken me from the courtroom to the classroom and government strategy rooms. I have been a criminal trial attorney, a legislative attorney, a college professor and, most recently, a political and policy aide and head of a governmental division.

Despite the varied nature of these roles, I have found that each position along my career path has seamlessly and organically led to the next, based on the skills I acquired and developed in my previous roles.

One of the benefits to the absence of

a defined career track in public service is the endless opportunities that allow lawyers to use their skills in numerous fields and along whatever career trajectory they choose. This type of flexibility and varied prospects also enables lawyers to work to their strengths, even if it means that they may not be performing traditional legal functions. The age-old mantra that you can do anything with a J.D. is true and I love that I am the embodiment of it.

The varied options present in the public sector enable an attorney who works hard and is a motivated, self-starting, high achiever to be acknowledged for their work and given increased responsibility and authority at a rate that, in most cases, exceeds the typical eight-to-ten-year partnership track. Great responsibility is foisted upon public sector lawyers as soon as they walk in the door, as a more familiar law firm staffing model does not exist. In its place are hands-on development and opportunities for professional growth on a schedule dictated only by an attorney's own initiative.

Setting my own career path and pace is a rare benefit that I doubt I would have found in private practice, particularly not so early in my career.

Balancing the Scales

Finally, the public sector has been an arena in which I have been able to find a true life-work balance. As a full-time working mom in the legal field, maintaining some semblance of equilibrium between the demands of work and the responsibilities of family is difficult, yet that balance is very important to me.

Realistically, there are not enough hours in the day for any working parent to feel like they are ever spending enough time with their family or enough time at work. Working in the public sector, however, allows for a more flexible schedule than attorneys would otherwise be expected to maintain in a law firm, in no small measure

because there are no billable hours to track, or an in-house counsel position, where frequent travel, for example, may be a potential obstacle to maintaining the desired balance.

The days are still long and the workload is still capable of filling my every waking moment with work-related tasks. Being a government employee, however, means that there are a finite number of hours in the work day for which an attorney is expected to attend meetings or appear for court hearings – or during which there is an expectation that an email or phone call will be attended to immediately.

The courts and government offices close at 5:00 p.m., which allows for flexibility in how an attorney decides to spend the remaining hours of the day. I do still work some evenings and occasionally check my email after my daughters have gone to bed. Most often I do it because it is the schedule that works best for me that day, not because my superiors or colleagues expect it.

No Regrets

My career has not always been perfect. As you might imagine, the pay and resources available to public sector lawyers sometimes pales in comparison to those available to private attorneys. But I can't imagine a legal career outside of the public sector that would allow me to consistently be involved in such impactful, exciting work or to maintain a work schedule that would allow me to feel equally as fulfilled in my dual roles as Mom (my most important job) and attorney.

I am fortunate and grateful for the opportunity to be able to use my legal education and experience to serve others. And it's never too late to make a similar decision for yourself. ♦

FOOTNOTES

1. Justice Sandra Day O'Connor, Address at Stanford University Commencement (May 16, 2004) (transcript available at <http://news.stanford.edu/news/2004/june16/oconnor-text-616>).

Mentoring

continued from page 17

to tango, so make sure you have found the right partner(s).

Types of Mentoring Programs

*"When nine hundred years old you reach, look as good you will not."*¹⁰

Mentoring programs usually fall into one of two categories: formal or informal. Formal programs are designed, implemented and supervised by the organization and usually involve the pairing of one or more mentees with one or more mentors. As discussed above, these formal programs are often focused on specifically defined populations (new associates, mid-level associates, senior associates) and goals (orientation and integration, skills development or career-path enhancement).

Informal programs have mentoring relationships that develop from close working relationships between men-

tors and mentees. Alternative mentoring options include group (one mentor with several mentees) or peer (non-hierarchical) mentoring. These alternative options work well as a supplement to existing programs or in organizations with smaller populations, specialized practices or specific needs (inclusion mentoring or solo practitioners).¹¹

Even the most successful mentoring programs may have flaws. One size does not fit all and continuously evolving organizational priorities, workplace practices and technology can quickly date even the most effective programs.

If your organization's mentoring program has aged or is not as effective as you think it could be, think creatively about how to make it more effective and share those thoughts with your program manager. If your organization does not have a mentoring program, approach your leadership about creating one.

With some initiative and creativity, you too can realize all the benefits of mentoring.

May the Force (of Mentoring) be with you! ♦

FOOTNOTES

1. *Star Wars* (Lucasfilm 1977).
2. Homer, *Odyssey*, Book II.
3. H. Garrett Baker & Yvonne Takvorian Saville, *Let the Circle be Unbroken*, The Benchers, Mar.-Apr. 2015 (available at <http://home.innsofcourt.org/for-members/current-members/the-benchers/recent-benchers-articles/marchapril-2015/let-the-circle-be-unbroken.aspx>).
4. *Return of the Jedi* (Lucasfilm 1983).
5. The author thanks Frederick Iobst, Esquire, a true Jedi Mentor, for sharing his thoughts on mentoring and for his many years of mentorship to her and other members of the Delaware Bar.
6. *Star Wars* (Lucasfilm 1977).
7. *The Empire Strikes Back* (Lucasfilm 1980).
8. Ida O. Abbott, Esquire, *The Lawyer's Guide to Mentoring*, 73 (2000). This book is an excellent resource for those interested in creating, enhancing, or learning more about mentoring programs.
9. *Id.* at 83-86.
10. *Return of the Jedi* (Lucasfilm 1983).
11. Abbott, *supra* at 152-160.

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Of Counsel

continued from page 28

Frank's mentoring also extended beyond RL&F to law school students, members of the Delaware Bar and corporate practitioners. A significant part of Frank's professional life was spent as a law school professor, including stints at Widener University Delaware Law School, Cornell Law School and University of Miami School of Law, to name a few. Frank very much enjoyed teaching law students about corporate law.

Furthermore, Frank was extensively involved and assumed numerous leadership roles in the American Bar Association and the Delaware State Bar Association, including serving as the DSBA's President from 1994 to 1995. Frank also was a prolific author of materials geared to the corporate prac-

titioner, including most prominently his co-authorship of a leading treatise on Delaware corporate law, *The Delaware Law of Corporations and Business Organizations*. Frank frequently spoke at seminars and conferences, and he was always very generous with his time and advising his fellow practitioners.

Even in retirement, Frank remains a tremendous resource to me and countless others as a sounding board while navigating complicated or sensitive matters.

Throughout his career, and even today, Frank has been and is a great mentor to many people. I have listened to and have followed the guidance and advice Frank has provided over the years, and I am very thankful to have had the opportunity to learn from such a titan of the Bar. ♦

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OF COUNSEL: R. Franklin Balotti

When R. Franklin Balotti retired in 2012, it marked the capstone of a long and storied legal career. Frank was a preeminent corporate lawyer at Richards, Layton & Finger, P.A., (RL&F) for more than four decades and built a reputation that extended far beyond Delaware.

As a litigator, Frank was on the front lines of many notable Delaware Court of Chancery and Delaware Supreme Court cases and was known for his superb skills in managing complex corporate cases. His skills made him a commanding presence in the courtroom, for which he was recognized by being elected as a Fellow of the American College of Trial Lawyers.

As a corporate advisor, Frank was actively involved in advising boards of directors and public companies on all kinds of corporate matters, including, most notably, M&A transactions. Indeed, when *Corporate Board Member* magazine ran a feature in 1998 titled “The 10 Best Lawyers to Have on Your Side” in the context of contested or hostile M&A situations, Frank was the only Delaware lawyer named to this select list.

Separate and apart from all his notable professional accolades (just a few of which are recounted here), Frank also had a deep and lasting impact at RL&F and on the Delaware Bar by advising, training and influencing multiple generations of corporate lawyers. The word “mentor,” as a verb, means to advise or train someone, especially a younger colleague, and that is what Frank did. I am just one of many of those who benefitted from Frank’s wisdom and guidance and am grateful to have had the opportunity to work with him.

I received many lessons from Frank over the years. One day when I was a very junior associate, I was consulting with a fellow associate regarding a situation in one of my cases. While we were discussing various options, Frank, who was standing nearby, said, “Why don’t you apply for relief under Section 322 [of the Delaware General Corporation Law]?” I told Frank that I was not familiar with Section 322 but would go look it up right away. Frank responded, “How do you expect to become a capable Chancery litigator if you do not know the DGCL?” Point made, in typical Frank style. I made sure that I became well versed in the DGCL.



Another time, I prepared a draft reply brief for Frank’s review. Frank told me to change the structure of the draft because a reply brief should summarize concisely the arguments made to date and then explain why our arguments should prevail. Frank explained that, in his view, the objective in crafting a reply brief is to make it a “self-contained” document such that the judge is able to write an opinion with nothing other than the reply brief for reference. This was great advice, and I have adopted that approach ever since.

In addition to the affirmative lessons and advice that Frank provided, one could learn a lot by just being around him. For more than five years during my early years at the firm, I had an office right next to his. Hence, I would see Frank nearly every day, other than those days he was out for “business development,” and hear many of his conversations with clients and co-counsel. I was impressed not only with the substantive advice that Frank would provide to clients, but also with the manner in which he communicated the advice. Through a mix of practicality, intellectual capacity, Socratic method, humility, authoritativeness and folksy charm, Frank would deliver the right advice in such a manner that clients would be most receptive — and, in fact, often would leave the conversation thinking it was they who had come up with the answer. Making the clients feel empowered helped Frank build enduring relationships.

Frank’s guidance was not limited to associates. After I became a partner, Frank gave me great advice and guidance both on how to become valued by clients and on the responsibilities of being a partner. Frank advised that new partners should be very cautious in speaking during partners’ meetings during their first year as a partner.

Although the advice initially struck me as a bit odd, Frank said that it would take at least a year of participating in partners’ meetings for a new partner sufficiently to gain the understanding of the issues, historical dynamic and various interrelationships necessary to form and express an informed view. In hindsight, he was spot on.

See **Of Counsel** continued on page 27

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